



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

खण्ड 19]

शिमला, शनिवार, 26 जून, 1971/5 आषाढ़, 1893

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भाग 1—वैधानिक नियमों को छोड़ कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

हिमाचल प्रदेश हाई कोर्ट

ORDER

Simla-1, the 7th May, 1971

No. HHC/Gaz./3-5/71.—The Hon'ble the Chief Justice, High Court of Himachal Pradesh has been pleased to permit Shri J. G. Atri, Superintendent of this

High Court to cross the efficiency bar at the stage of Rs. 650 and fix his pay at Rs. 680 in the scale of Rs. 450-25-500-30-650-30-800 w.e.f. 4th May, 1971 (F.N.) vide F.R. 22 (a) (i) read with F.R. 22-C.

By order,
KEDAR ISHWAR,
Registrar.

हिमाचल प्रदेश सरकार

DEPARTMENT OF PERSONNEL (APPOINTMENT)
NOTIFICATIONS

Simla-2, the 5th June, 1971

No. 10-2/68-Appnt.—In exercise of the powers conferred by sub-section (1) of section 12 of the Code of Criminal Procedure, 1898 (Act V of 1898), as amended by the Punjab Separation of Judicial and Executive Functions Act, 1964, the Governor, Himachal Pradesh is pleased to appoint Shri Jai Chand, Land Acquisition Officer (III), Talwara to be the Executive Magistrate of the First Class under the said Code to exercise the powers as such within District Kangra from the date of taking over.

Simla-2, the 5th June, 1971

No. 1-3/71-Appnt.—Consequent upon taking over the charge of the post of Agricultural Production Commissioner, Himachal Pradesh, by Shri K. C. Pandeya, IAS, on the afternoon of the 21st May, 1971, the Governor, Himachal Pradesh is pleased to appoint Shri P. K. Mattoo, IAS, as Secretary to the Government of Himachal Pradesh in the Departments of Industries and Labour, Transport and Tourism.

HARSH GUPTA,
Joint Secretary.

Simla-2, the 10th June, 1971

No. 3-11/59-Appnt.—The Governor, Himachal Pradesh is pleased to extend the period of deputation of Shri Bishan Dass, a member of the Himachal Pradesh Administrative Service, with the S.S.B. Organisation upto 29th February, 1972.

Simla-2, the 11th June, 1971

No. 3-48/70-Appnt.—In continuation of this Government notification of even number, dated the 20th/21st May, 1971, the Governor, Himachal Pradesh is pleased to accord sanction to the grant of 19 days' extension to her leave with effect from 1st June, 1971 to 19th June, 1971 (both days inclusive) in favour of Miss Anjula Thakur, IAS, Deputy Secretary to the Government of Himachal Pradesh, with permission to suffix Sunday falling on the 20th June, 1971, subject to verification of title to leave.

2. Certified that Miss Anjula Thakur would have continued to hold the charge of the post of Deputy Secretary to the Government of Himachal Pradesh but for her proceeding on leave.

3. Certified that Miss Anjula Thakur will return to duty to the station from where she proceeded on leave.

4. The Governor is further pleased to order that during the absence of Miss Anjula Thakur on leave Shri D. K. Khanna, Deputy Secretary (Education) to the Government of Himachal Pradesh, shall continue to hold the charge of the post of the Deputy Secretary to the Government of Himachal Pradesh in the Chief Secretary's Branch, Simla, in addition to his own duties.

SUBHASH DUA,
Joint Secretary.

CO-OPERATION DEPARTMENT
NOTIFICATIONS

Simla-2, the 4th June, 1971

No. 5-8/69-Co-op (S)-I.—In exercise of the powers under section 3 (1) of Himachal Pradesh Co-operative

Societies Act, 1968 (Act No. 3 of 1969), the Governor, Himachal Pradesh is pleased to appoint Shri R. V. Gupta, as Registrar of Co-operative Societies, Himachal Pradesh to carry out the provisions of the said Act through out the State of Himachal Pradesh.

Simla-2, the 4th June, 1971

No. 5-8/69-Co-op (S)-II.—In exercise of the powers under section 3 (1) of the Himachal Pradesh Co-operative Societies Act, 1968 (Act No. 3 of 1969), the Governor, Himachal Pradesh is pleased to appoint Deputy Registrars, Co-operative Societies, Eastern, Central and Western and also Deputy Registrar (Development) and Deputy Registrar (Marketing) Co-operative Societies to assist the Registrar Co-operative Societies, Himachal Pradesh and is further pleased to confer on them under section 3 (2) of the said Act all the powers of the Registrar.

Simla-2, the 4th June, 1971

No. 5-8/69-Co-op. (S)-III.—In exercise of the powers conferred under section 3 (1) of the Himachal Pradesh Co-operative Societies Act, 1968 (Act No. 3 of 1969), the Governor, Himachal Pradesh is pleased to appoint District Co-operative and Supplies Officers, Mahasu, Mandi, Simmur, Bilaspur, Kinnaur, Simla, Kulu, Dharamsala and Hamirpur as Assistant Registrar Co-operative Societies, Himachal Pradesh and is further pleased under section 3(2) of the said Act to confer on the officers powers of the Registrar Co-operative Societies, exercisable by him under sections 7, 8, 9, 11(2), 12, 14, 33, 61, 62, 64, 66, 67, 68, 69, 71, 72, 73, 74, 78, 79, 80, 82, 86, 87, 89 & 91.

K. C. PANDEYA,
Secretary.

EXCISE AND TAXATION DEPARTMENT
NOTIFICATION

Simla-2, the 8th June, 1971

No. 19-12/71-E&T (Sectt).—The Governor, Himachal Pradesh is pleased to order the following postings and transfers with immediate effect, in the public interest:—

(1) Shri Bakhtawar Singh, Assistant Excise and Taxation Officer, Simla is transferred and posted as Assistant Excise and Taxation Officer, Kulu *vire* Shri Inder Singh; and

(2) Shri Inder Singh, Assistant Excise and Taxation Officer, Kulu is transferred and posted as Assistant Excise and Taxation Officer, Dharamsala against the post caused vacant due to promotion of Shri Shivdev Singh as Excise and Taxation Officer.

2. The Governor, Himachal Pradesh is further pleased to fix the headquarter of Shri Inder Singh Assistant Excise and Taxation Officer at Hamirpur who will have his jurisdiction over Hamirpur and Una Sub-Divisions for disposal of work relating to assessment etc.

B. C. NEGI,
Secretary.

FINANCE DEPARTMENT
NOTIFICATIONS

Simla-2, the 29th May, 1971

No. 12-2/69-Fin. (R&E).—In partial modification No. 12-2/69-Fin (R&E), dated the 25th August, 1969, the Governor, Himachal Pradesh is pleased to declare the Legal Rememberancer-cum-Secretary (Law) to the Government of Himachal Pradesh, as Head of

Department in respect of the following Head of account:—
 "21—Administration of Justice.
 B—Law Officers".

Simla-2, the 29th May, 1971

No. 12-2/69-Fin (R&E).—In supersession of notification No. 12-4/67-Fin (R&E), dated the 26th August, 1967, the Governor, Himachal Pradesh is pleased to declare the Financial Commissioner, Himachal Pradesh as Head of Department under Head "39—Miscellaneous Social and Development Organisations, A. Gazetteers and Statistical Memoirs, A-1—Organisation of District Gazetteers".

By order,
M. M. SAHAI SRIVASTAVA,
Finance Secretary.

FOREST DEPARTMENT NOTIFICATION

Simla-2, the 4th June, 1971

No. 5-2/71-SF.—Whereas it appears to the State Government of the Himachal Pradesh that it is desirable to provide for the conservation of sub-soil water or the preservation of erosion in the areas (specified in the schedule below) which are subject to erosion or likely to become liable to erosion, the Governor of the Himachal Pradesh is pleased to direct in exercise of the powers conferred by section 3 of the Punjab Land Preservation Act, 1900 (Pb. Act II of 1900) that provision should be made accordingly.

SCHEDULE

District: KANGRA	Tehsil: UNA
Village	Area in acres
Gagret H.B. No. 140	757
Abhey Pur H.B. No. 122	546
Jhambar H.B. No. 450	301

By order,
P. K. MATTOO,
Secretary.

GENERAL ADMINISTRATION DEPARTMENT (SECTION D)

NOTIFICATION

Simla-2, the 18th June, 1971

No. 3-1/69-GAD-II(Pub.).—The Governor, Himachal Pradesh in consultation with the Union Public Service Commission vide their letter No. F.3/24-A(1)/70-PR, dated the 29th January, 1971, is pleased to appoint Shri I. N. Kaila, a substantive holder of the post of Radio Engineer in the scale of Rs. 250-25-550, as Technical Officer (Sound) in the pay scale of Rs. 300-25-500/30-800, on officiating basis with effect from 29th January, 1971, the date on which the proposal was approved by the Commission. Shri Kaila will be on probation for a period of two years from the date of his officiating appointment as Technical Officer (Sound).

K. N. CHANNA,
Chief Secretary.

HOME DEPARTMENT NOTIFICATIONS

Simla-2, the 1st June, 1971

No. 19-19/71-Home (Judl.).—Shri Sita Ram Bakshi has on the 27th May, 1971, in the forenoon, assumed charge of the office and post of Advocate General of Himachal Pradesh.

Simla-2, the 3rd June, 1971

No. 19-22/71-Home.—In continuation of Himachal Pradesh Government notification of even number, dated the 2nd June, 1971, the Governor, Himachal Pradesh is pleased to sanction 13 days' leave w.e.f. the 3rd May, 1971 to the 15th May, 1971 in favour of Mr. Justice Mirza Hameedullah Beg, Chief Justice, High Court of Himachal Pradesh, Simla-1, on full pay and allowances subject to title.

K. N. CHANNA,
Chief Secretary.

HEALTH AND FAMILY PLANNING DEPARTMENT NOTIFICATIONS

Simla-2, the 5th June, 1971

No. 1-100/70-H&FP.—Consequent upon her appointment as Gynaecologist, in Specialist grade of C.H.S., Dr. Miss. K. K. Sood is posted in Snowdon Hospital Simla with effect from the 19th January, 1971 (afternoon).

S. L. TALWAR,
Under Secretary.

Simla-2, the 10th June, 1971

No. 1-121/70-H&FP.—The Governor, Himachal Pradesh is pleased to appoint Dr. L. D. Garg, to the post of Lecturer in Orthopaedic Surgery, Himachal Pradesh Medical College, Simla, on *ad hoc* basis with effect from 3rd March, 1971 (afternoon) until further orders.

By order,
S. L. TALWAR,
Under Secretary.

Simla-2, the 14th June, 1971

No. 1-12/69-H&FP.—The Governor of Himachal Pradesh is pleased to retire Shri Anirudh Sharma, Ayurvedic Physician, Incharge, Research Institute, Jogindernagar, from service with effect from the 22nd May, 1971 (forenoon).

B. C. NEGI,
Secretary.

Simla-2, the 14th June, 1971

No. 1-27/71-H&FP.—The Governor, Himachal Pradesh is pleased to appoint Dr. Jaswant Singh Banyal as Civil Assistant Surgeon Grade I in the scale of Rs. 350-25-500-30-590/30-830-35-900 on *ad hoc* basis for a period of one year from 26th February, 1971 forenoon or till the post is filled up on regular basis, whichever is earlier.

S. L. TALWAR,
Under Secretary.

LAW DEPARTMENT

NOTIFICATION

Simla-2, the 29th May, 1971

No. 6-27/67-LR.—The Governor of Himachal Pradesh in continuation of Law Department notification of even number, dated the 4th February, 1971, is pleased to abolish the Committee constituted to make suitable recommendations to the Government regarding unification of Laws in Himachal Pradesh vide this Department notification of even number, dated the 31st January, 1968, and subsequently amended vide notification of even number, dated the 2nd May, 1968.

B. D. SHARMA.
Secretary.

PUBLIC WORKS DEPARTMENT

NOTIFICATION

Simla-2, the 2nd June, 1971

No. 1-90/70-PWD.—In continuation of this Government's Office Order No. 1-90/70-PWD, dated the 14th September, 1970, the Governor, Himachal Pradesh, in consultation with the Union Public Service Commission (letter No. F.2/6(5)/71-A. IV, dated the 2nd April, 1971), is pleased to extend the *ad hoc* appointment of Shri K.C. Aggarwal as Financial Advisor, Himachal Pradesh Public Works Department, for a period of 6 months from the 1st January, 1971 to 30th June, 1971, or till the post is filled on a regular basis, whichever is earlier.

OFFICE ORDER

Simla-2, the 4th June, 1971

No. 1-12/70-PWD.—The Governor, Himachal Pradesh is pleased to place the services of Sarvshri S. K. Gangakhedkar and Y.P. Gupta, Senior Architectural Draftsmen of the Himachal Pradesh Public Works Department at the disposal of the Himachal Pradesh University, Simla on deputation (foreign service) for appointment to the posts of Assistant Architects with immediate effect.

2. Necessary orders with regard to their deputation terms on foreign service to the Himachal Pradesh University will be issued in due course.

3. The orders issued vide this Government notification of even number, dated the 2nd June, 1971, are hereby cancelled.

U. N. SHARMA,
Secretary.

NOTIFICATION

Simla-2, the 16th June, 1971

No. 2-35/70-PWD.—Whereas it appears to the Governor, Himachal Pradesh that land is likely to be taken by the Himachal Pradesh Government at the public expense for a public purpose, namely for the construction of houses for Government employees, it is hereby notified that land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provision of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the

undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector Land Acquisition U.S. Club, Simla-1.

SPECIFICATION

District: SIMLA

Tehsil: SIMLA

Locality	Khasra No.	Area	
		sq. yds.	sq. ft.
STATION WARD	500/206 min.	219	8
CHHOTTA SIMLA	509/206 min.	7896	8
"Premises known as Revensdale".	206/1	365	5
	206/2	173	6
	206/3	35	5
	206/4	74	5
	206/5	41	8
	206/6	6	6
	206/7	0	4
Total		8815	1

By order,
U. N. SHARMA,
Secretary.

REVENUE DEPARTMENT

NOTIFICATIONS

Whereas it appears to the Governor, Himachal Pradesh that the land is required by the Government at public expense for a public purpose*. It is hereby declared that the land described in the specification below is required for the said* purpose.

The declaration is made under the provision of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Land Acquisition Collector, Beas Dam Project, Talwara Township is hereby directed to take order for the acquisition of the said land.

Plans of the land may be inspected in the offices of the Land Acquisition Collector, Beas Dam Project, Talwara Township and Executive Engineer, Inspection Division No. III, Talwara Township.

No. 4-47/69-Rev. II Simla-2, the 29th March, 1971

*Acquired for Reservoir Area for Beas Dam at Pang Elevation level 1430 in Tikka Lahru H.B. No. 94/6 in village Bari, Tehsil Dehra, District Kangra

SPECIFICATION

District: KANGRA

Tehsil: DEHRA

Khasra No.	Area in		1	2	3
	K.	M.			
1	2	3	3	5	8
			4	10	13
Village: TIKKA LAHRU			5	3	0
OF VILLAGE BARI			6	4	4
1	17	10	7	14	2
2	17	10	8	17	1

1	2	3	1	2	3	1	2	3	1	2	3
9	5	18	69	0	1	5	2	13	74	8	13
10	1	3	70	1	5	6	11	11	75	3	6
11	4	11	71	0	2	7	1	13	76	1	14
12	3	3	72	2	4	8	8	10	77	4	11
13	1	15	73	1	0	9	6	13	78	9	4
14	9	19	74	0	3	10	17	19	79	2	13
15	17	17	75	1	0	11	21	19	80	2	14
16	1	1	76	3	15	12	23	4	81	9	19
17	13	17	77	0	18	13	12	2	82	0	19
18	1	0	78	1	3	14	9	15	83	49	2
19	16	5	79	1	9	15	4	14	84	202	11
20	16	3	80	1	9	16	0	12	85	108	7
21	4	0	81	6	3	17	3	12	86	2	3
22	16	8	82	9	3	18	2	2	87	31	17
23	2	8	83	5	18	19	2	1	88	16	6
24	0	5	84	3	4	20	2	11	89	10	9
25	2	2	85	14	10	21	1	12	90	26	5
26	2	3	86	7	1	22	11	6	91	0	13
27	4	2	87	3	5	23	4	5	92	12	9
28	3	3	88	9	18	24	9	7	93	198	5
29	1	10	89	2	15	25	11	10	94	13	10
30	3	3	90	16	5	26	15	15	95	10	3
31	3	11	91	3	0	27	3	15	96	13	19
32	0	12	92	2	7	28	5	15	97	7	14
33	2	14	93	2	12	29	9	17	98	119	8
34	4	2	94	5	15	30	5	1	99	181	2
35	2	19	95	20	5	31	5	1	100	280	4
36	0	18	96	6	13	32	14	18	101	366	8
37	11	2	97	0	10	33	18	13	102	10	13
38	1	10	98	2	0	34	18	8	103	6	14
39	1	14	99	6	17	35	19	0	104	1	16
40	0	7	100	0	9	36	20	14	105	16	18
41	18	8	101	0	3	37	14	11	106	1	17
42	6	0	102	1	10	38	4	10	107	11	16
43	3	2	103	1	7	39	4	5	108	14	6
44	0	11	104	0	3	40	8	18	109	8	8
45	4	13	105	1	8	41	11	0	110	8	1
46	10	8	106	0	12	42	1	2	111	11	8
47	5	10	107	3	1	43	4	2	112	9	11
48	1	14	108	2	0	44	5	4	113	11	18
49	7	18	109	4	10	45	7	10	114	27	16
50	1	6	110	1	5	46	45	0	115	45	12
51	6	19	111	10	14	47	79	10	116	17	12
52	4	1	112	0	14	48	79	7	117	51	15
53	6	10	113	3	0	49	41	9	118	38	3
54	4	15	114	0	18	50	177	4	119	6	13
55	6	0	115	1	0	51	21	12	120	56	6
56	6	17	116	0	8	52	20	9	121	1	5
57	9	17	117	1	2	53	6	16	122	2	2
58	0	5	118	16	7	54	6	0	123	1	17
59	2	13	119	3	1	55	159	13	124	2	8
60	1	11	120	2	18	56	24	7	125	9	8
61	0	7	121	2	1	57	18	4	126	23	11
62	0	7	122	0	13	58	11	0	127	18	11
63	1	2	123	5	0	59	12	5	128	62	12
64	0	16	124			60	3	8	129	16	15
65	0	5	Total	572	10	61	11	18	130/1	22	6
66	0	15		54.31	acre	62	11	15	130/2	57	10
67	1	15	Kutcha	Big.	Bis.	63	6	16	131	288	1
68	1	11		260	14	64	76	1	132	179	15
						65	8	17	133	29	19
						66	3	13	134	31	2
						67	4	4	135	53	11
						68	29	12	136	23	5
						69	204	16	137	8	7
						70	90	13	138	3	2
						71	19	0	139	3	12
						72	2	4	140	1	4
						73	1	10	141	2	16

*Acquired for Reservoir Area for Beas Dam at Pang
Elevation Level 1280 in Tikka Bajur Balla H.B. No. 97/9
in Village Mohara, Tehsil Dehra, District Kangra
Village: MOHARA 2 51 15
Tikka: BAJUR BALLA 3 8 8
1 435 13 4 3 18

1	2	3	1	2	3	1	2	3	1	2	3
142	4	0	175	2	9	886 min	1	15	1485	4	1
143	4	1	176	27	16	887 min	1	9	1486	0	5
144	3	13	177	0	19	888	1	1	1487 min	3	6
145	11	14	178	0	16	889	1	4	1491 min	1	6
146	4	10	179	1	13	890 min	0	7	1492	0	16
147	7	7	180	50	5	891 min	5	1	1493 min	3	15
148	1	11	181	171	5	995 min	1	0	1494	1	1
149	1	10	182	66	12	1011 min	5	2	1495	1	12
150	1	10	183	210	16	1014 min	3	0	1496	0	6
151	4	7	184	213	10	1015	2	6	1497	0	5
152	1	14	185	108	12	1016 min	1	0	1498	0	5
153	1	4	186	5	12	1255 min	9	1	1499	0	12
154	2	15	187	16	3	1256 min	0	18	1500	0	10
155	39	10	188	80	3	1257 min	1	11	1501	0	13
156	18	1	189	62	16	1258	1	10	1505 min	0	2
157	3	7	190	522	8	1259	0	8	1506 min	0	4
158	4	18	191	19	17	1260	2	2	1507	8	5
159	7	0	192	506	14	1261 min	1	0	1508 min	0	5
160	7	18	193	6	2	1262 min	0	7	1557 min	30	4
161	13	9	194	209	1	1263 min	0	15	1558 min	4	3
162	33	16	195	146	19	1264 min	1	5	1559 min	0	9
163	38	2	196	0	2	1265 min	17	3	1562 min	0	15
164	154	11	197	0	2	1266	0	9	1563	0	19
165	366	3	198	3	11	1291 min	0	14	1564	1	1
166	14	3	199	15	9	1293	1	13	1565	0	19
167	71	19	200	0	2	1294	0	14	1566	1	15
168	117	3				1295	1	2	2172/1567	0	15
169	26	1	Total	83	8	1296	1	15	2173/1567	0	18
170	2	12				1297	2	1	1568	1	19
171	2	9		789.23 acres		1298	1	2	1580 min	1	1
172	3	0		or		1300	1	3	1604 min	1	1
173	7	19		Kutchia Big. Bis.		1371 min	0	4	1609 min	0	13
174	16	14		3378	6	1375 min	0	19	1610	1	4
						1379 min	0	16	1611	1	16
						1381 min	1	5	1612	0	14
						1385 min	8	15	1613 min	0	18
						1386	1	2	1614 min	0	3
						1387 min	4	13	1615 min	1	8
						1388 min	1	19			
						2139/1389 min	0	10	Total	289	14
						1460 min	0	3			
						1481 min	22	13	27.48	acres	
						1482	0	12		or	
						1483	2	9	Kutchia	Big. Bis.	
						1484	12	17		131	18

No. 4-30/68-Rev. II. Simla-2, the 24th February, 1971

*Acquired for the proposed Railway line from Javali Railway Station to Guler Railway Station in Tikka Jarot Khas H.B. No. 116/4 of village Jarot, Tehsil Dehra, District Kangra

Village: JAROT	824	3	3
Tikka: JAROT KHAS	825 min	0	18
790 min	826 min	0	5
791 min	827	1	7
792	828	2	11
793	829 min	1	8
794	830	1	5
795	831	1	10
796	832 min	1	5
797	834 min	0	4
798	835 min	0	12
799	837 min	0	5
800 min	838 min	3	6
801 min	2021/839 min	2	1
802 min	2022/839 min	2	9
807 min	2023/839	3	0
812 min	840 min	0	19
813 min	842 min	1	14
814 min	843	4	8
815	844 min	1	6
816 min	845	6	13
817	2012/846 min	1	10
818	2013/846 min	0	12
819	881 min	0	2
820	883 min	2	7
821	884	4	8
822 min	885	1	11

No. 4-47/69-Rev. II. Simla-2, the 29th March, 1971

*Acquired for Reservoir Area for Beas Dam at Pang Elevation Level 1280 in Tikka Lahdhyara, H.B. No. 23/4 in Village Kasba, Tehsil Dehra, District Kangra

Village: KASBA	10	2	9
Tikka: LAHDHYARA	11	10	5
1	70	17	12
2	52	8	13
3	49	19	14
4	4	9	15
5	10	15	16
6	44	2	17
409/7	17	8	18
410/7	10	4	19
8	16	3	20
9	9	8	21

1	2	3	1	2	3	1	2	3	1	2	3
22	7	6	71	13	15	62/2	27	2	78/26	1	10
23	8	10	72	12	4	3	3	3	27	21	12
24	50	13	73	12	4	4	5	13	28	5	19
25	17	6	74	36	18	5	2	8	29	0	15
26	7	2	75	3	7	6	2	10	30	2	4
27	9	3	76	6	5	7	9	13	31	12	5
28	16	1	77	65	18	8	36	18	32	5	12
29	10	17	78	19	15	9	0	11	33	0	9
30	41	11	79 min	40	12	10	0	7	34	2	5
31	7	15	80	13	14	11	2	14	35	0	15
32	3	14	81 min	16	10	12	12	2	36	1	9
33	20	6	93	40	15	13	1	10	37	1	18
37	32	4	155 min	40	18	14	0	7	38	0	13
38	16	8	156	22	12	15	0	15	39	0	9
39	13	6	127	13	4	16	0	19	40	1	17
40	22	17	161	6	15	63/17	5	4	41	1	8
41	12	9	367	17	2	64/17	3	16	42	2	1
54/1	2	13	251	194	0	65/17	2	16	43	1	3
54/2	2	6	252 min	119	4	66/17	4	0	44	1	4
55/1	7	9				67/17	1	17	45	0	7
55/2	7	2	Total	1507	16	68/17	15	10	46	0	3
55/3	7	18		143.05	acres	69/18	3	17	47	3	3
66 min	6	14			or	70/18	2	7	48	9	7
68	21	2				71/18	2	18	49	6	5
69	26	9	kutchha	Big.	Bis.	19	0	14	50	6	16
70	6	10		686	13	20	9	19			
						21	6	13	Total	368	4
						22	0	8		34.93	acres
						23	1	2			or
						24	22	7	kutchha	Big.	Bis.
						72/25	4	16		167	13
						73/25	1	16			
						74/25	8	2			
						75/25	5	12			
						76/25	4	7			
						77/26	1	7			

No. 4-47/69-Rev. II. Simla-2, the 29th March, 1971

**Acquired for Reservoir Area for Beas Dam at Pang Elevation Level 1430 in Tikka Jakhwni H.B. No. 94/3 in village Bari, Tehsil Dehra, District Kangra*

Tikka: JAKHWN	9	1	11
Village: BARI	10 min	4	2
	11	3	13
1	2	0	21 min
2	1	17	22
3	12	2	
4	1	5	Total
5	1	3	43
6	6	1	4.09 acres
7	3	12	or
8	2	2	kutchha
			Big.
			Bis.
			19
			13

No. 4-47/69-Rev. II. Simla-2, the 29th March, 1971

**Acquired for Reservoir Area for Beas Dam at Pang Elevation Level 1430 in Tikka Chatra H.B. No. 94/2 in village Bari, Tehsil Dehra, District Kangra*

Tikka: CHATRA	8 min	5	11
Village: BARI	16 min	4	3
1	1	8	
40/2/1	2	19	Total
4 min	1	6	18
5	1	3	1.77 acres
6	0	2	or
7	2	3	kutchha
			Big.
			Bis.
			8
			10

No. 4-47/69-Rev. II. Simla-2, the 29th March, 1971

**Acquired for Reservoir Area for Beas Dam at Pang Elevation Level 1430 in Tikka Bari Khas H.B. No. 94/1 in village Bari, Tehsil Dehra, District Kangra*

Tikka: BARI KHAS	59/2	30	8
Village: BARI	60/2	16	19
1	13	6	61/2
			0
			2

Simla-2, the 4th June, 1971

No. 2-37/64-Rev.-I.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 27 of the Punjab Land Revenue Act, 1887, and all other powers enabling him in this behalf, the Governor, Himachal Pradesh is pleased to confer upon the following Tehsildars and Naib-Tehsildars (of Land Acquisition Office, Beas Dam), the powers of Assistant Collector Second Grade to be exercised by them for the purpose of attestation of mutations within the sphere of their duties in Dehra and Nurpur tehsils of Kangra district of Himachal Pradesh, with immediate effect:—

1. Shri Manohar Lal Mehta, Tehsildar.
2. Shri Rajinder Kumar Chahhan, Tehsildar.
3. Shri Chet Ram, Tehsildar.
4. Shri Hans Raj, Naib-Tehsildar.
5. Shri Dewan Chanji, Naib-Tehsildar.
6. Shri Gajender Singh, Naib Tehsildar.

Simla-2, the 4th June, 1971

No. 2-13/71-Rev. I.—In exercise of the powers vested in him under section 3 (c) of the Land Acquisition Act, 1894, the Governor, Himachal Pradesh is pleased to appoint Shri B. K. Kapoor, Land Acquisition Officer, to perform the functions of a Collector under the said Act for the work relating to the Beas Dam Project, within the limits of Kangra district, from the date he took over the charge.

Simla-2, the 8th June, 1971

No. 2-38/65-Rev. I.—On the recommendations of the Departmental Promotion Committee, the Financial Commissioner, Himachal Pradesh is pleased to order, from the date of taking over, the promotion of the following Naib-Tehsildars as officiating Tehsildars in the scale of Rs. 350-25-500-30-590/30-800 as a stop gap arrangement:—

1. Shri Lajja Ram Dhauta.
2. Shri Inder Singh Chandel.
3. Shri Dila Ram Hazri.
4. Shri Kanshi Ram.

Simla-2, the 8th June, 1971

No. 2-38/65-Rev. I.—The Financial Commissioner,

5. Shri H. K. Sharma.
6. Shri R. S. Bali.
7. Shri Surrender Mohan.
8. Shri Prem Singh.
9. Shri Amar Nath.
10. Shri Dharam Vir.
11. Shri Bidhi Singh.
12. Shri Mangoo Ram.

The posting orders of the above Tehsildars are being issued separately. The junior most officials shall have to be reverted to their original posts as soon as the other categories of officials are available for regular promotion according to the prescribed roster.

Himachal Pradesh, is pleased to order the following postings and transfers of the Tehsildars with immediate effect:—

Sl. No.	Name	From	To	Remarks
1.	Shri H. D. Attri	Pangi	Kangra	Vice Shri K. C. Konda promoted.
2.	Shri Ishwar Chand	Kasumpti (Nautor).	Pangi	Vice Shri H. D. Attri transferred.
3.	Shri Lajja Ram Dhauta (on promotion)	Kotkhai	Arki	Vice Shri Chain Ram promoted.
4.	Shri K. L. Gautam	Nalagarh	C.O.C. to F.C.	Vice Shri K. N. Sharma promoted.
5.	Shri Surrender Mohan (on promotion)	Nalagarh (N.T.)	Nalagarh	Vice Shri K. L. Gautam transferred.
6.	Shri G. C. Singha	Pooch	Kasumpti	Vice Shri S. S. Ghuman transferred.
7.	Shri S. S. Ghuman	Kasumpti	Kasauli	Vice Shri Jai Chand promoted.
8.	Shri Dila Ram Hazri (on promotion)	Mandi (N.T.)	Sundernagar	Vice Shri Shanker Dass retired.
9.	Shri Madan Sarup	Kandaghat	Pooch	Vice Shri G. C. Singha transferred.
10.	Shri Bidhi Singh (on promotion)	Hamirpur (N.T.)	Kasumpti (Nautor).	Vice Shri Ishwar Chand transferred.
11.	Shri Harbans Singh	Keylong	Ghumarwin	Vice Shri Chander Shamsher transferred.
12.	Shri Chander Shamsher	Ghumarwin	Talwara (L.A. O's, Office).	Vice Shri Puran Chand transferred.
13.	Shri Puran Chand	Talwara (L.A.O.'s Office).	Kulu (Nautor)	Vice Shri Brijender Mohan transferred.
14.	Shri Brijender Mohan	Kulu (Nautor)	Kulu (Mchal)	Vice Shri Nand Lal promoted.
15.	Shri Mangoo Ram (on promotion)	L.A.O.'s Office, Kangra (N.T.).	Keylong	Vice Shri Harbans Singh transferred.
16.	Shri Kanshi Ram (on promotion).	L.A.O.'s Office, Mandi (N.T.).	Renuka	Vice Shri H. C. Malhotra retired.
17.	Shri Bhup Singh Bhandari	Settlement, Kangra.	Chamba	Vice Shri D. P. Sabharwal promoted.
18.	Shri R. S. Bali (on promotion)	L.A.O.'s Office, Solan (N.T.).	Settlement, Kangra.	Vice Shri Bhup Singh Bhandari transferred.
19.	Shri Amar Nath (on promotion)	Theog (N.T.)	Settlement, Kangra.	Vice Shri Hazara Singh promoted.
20.	Shri D. S. Kutehria	F.C.'s Office	Municipal Corporation, Simla.	Vice Shri Didar Singh promoted.
21.	Shri I. S. Chandel (on promotion)	Simla (N.T.)	Churah (Chamba).	Vice Shri Birbal retired.
22.	Shri Jagdish Kumar Sharma	Nautor Mandi	Dehra	Vice Shri R. K. Dharmani promoted.
23.	Shri H. K. Sharma (on promotion)	On deputation with Delhi Admn.	Bilaspur (Nautor).	Vice Shri C. M. Rewal, transferred.
24.	Shri Prem Singh (on promotion)	Jogindernagar	Theog	Vacant post.
25.	Shri C. M. Rewal	Bilaspur (Nautor).	Kandaghat	Vice Shri Madan Sarup transferred.
26.	Shri Dharam Vir (on promotion)	Amb (N.T.)	Mandi (Nautor)	Vice Shri Jagdish Kumar Sharma transferred.

The above mentioned officers shall be entitled to transfer travelling allowance and joining time as admissible under the rules.

By order,
S. R. MAHANTAN,
Deputy Secretary.

Simla-2, the 9th June, 1971

No. 6-9/70-(Rev. I).—Consequent upon the death of Shri Jagiri Ram s/o Shri Sudama Ram, village Chalet, Tehsil Una, District Kangra on 1st December, 1969, the Governor, Himachal Pradesh in exercise of the powers conferred upon him vide section 2 (a) (i) and 3 (1) (a) read with proviso to section 4, of the East Punjab War Awards Act, 1948 as amended up-to-date, and Government of India, Ministry of Home Affairs notification No. S.O. 3370, dated the 1st November, 1966, is pleased to order that the war jagir of the annual value of Rs. 100 (Rupees one hundred) per annum sanctioned in his favour with effect from *khariif*, 1965 vide this Government notification No. 6-11/68-(Rev.-I) (VII), dated the 12th December, 1963, shall now continue in favour of Shrimati Dhan Devi widow of the said Shri Jagiri Ram with effect from *khariif*, 1969 subject to the conditions as to its enjoyment as are contained in the Sanad of the Jagir granted to her.

S. R. MAHANTAN,
Deputy Secretary.

CORRIGENDUM

Simla-2, the 9th June, 1971

No. 4-1/70-Colonization.—In partial modification of this Department's notification of even number dated the 4th January, 1971, para 4 thereof may please be read under:—

1. Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this corrigendum, file an objection in writing before "Land Acquisition Collector, Nurpur".

By order,
U. N. SHARMA,
Secretary.

NOTIFICATIONS

Simla-2, the 9th June, 1971

No. 1-17/69-Rev. I.—In exercise of the powers vested in him under section 3 (c) of the Land Acquisition Act, 1894, and all other powers enabling him in this behalf, the Governor, Himachal Pradesh, is pleased to confer on the following officers, all the powers of a Collector under the said Act to be exercised by them within the local limits of their respective jurisdictions as specified against each, from the date they took over the charge of the post:—

Name of officer	Area of jurisdiction
Shri Sher Singh, Sub-Divisional Officer (Civil), Ghumarwin, District Bilaspur.	Ghumarwin Sub-Division, District Bilaspur.
Shri Kashmir Singh, Sub-Divisional Officer (Civil), Sadar, District Bilaspur.	Sadar Sub-Division, District Bilaspur.

Simla-2, the 11th June, 1971

No. 2-38/65-Rev. I.—In partial modification of this department's notification of even number, dated the 8th June, 1971, the Financial Commissioner, Himachal Pradesh, is pleased to order the posting and transfers

of the following Tehsildars as under:—

Sl. No.	Name	From	To	Remarks
1.	Shri Dila Ram Hazri (on promotion).	Mandi Sadar.	Theog	Instead of Sundernagar.
2.	Shri Prem Singh (on promotion).	Joginder-nagar.	Sundernagar.	Instead of Theog.

Simla-2, the 15th June, 1971

No. 2-13/71-Rev. I.—In exercise of the powers vested in him under section 3 (c) of the Land Acquisition Act, 1894, and all other powers enabling him in this behalf, the Governor, Himachal Pradesh is pleased to appoint Shri Jaswant Singh, Land Acquisition Officer, Solan, District Mahasu, to perform the functions and exercise the powers of Collector under the said Act for the purposes and within the jurisdiction specified in the Schedule to this notification, from the date he took over the charge of the post:—

SCHEDULE

Purpose	Jurisdiction
1. Acquisition of land for purposes of Public Works Department, Himachal Pradesh.	III Circle of Himachal Pradesh Public Works Department (covering whole Sirmur district and a part of Simla and Mahasu districts).
2. Acquisition of land for purposes of M.P.P. and Power Department, Himachal Pradesh.	-do-
2. This supersedes notification No. 2-12/64-Rev. I, dated 31st March, 1971 issued in respect of Shri Arvind Kaul, Sub-Divisional Officer, Solan.	

By order,
S. R. MAHANTAN,
Deputy Secretary.

TRANSPORT DEPARTMENT

NOTIFICATIONS

Simla-2, the 9th June, 1971

No. 2-83/69-CS&T (Tpt).—Consequent upon the acceptance of the review application, dated 23rd June, 1969 and in supersession of notification No. GM. 9-1103/65, dated 14th March, 1968, the Governor, Himachal Pradesh is pleased to appoint Shri Tilak Raj Kapoor as Assistant Manager on regular basis in the scale of pay of Rs. 250-25-550 with effect from 23rd March, 1968, the date on which he assumed charge of the post of Assistant Manager, Himachal Government Transport, Una.

2. Further Shri Kapoor will have seniority amongst the Assistant Managers from 23rd March, 1968.

Simla-2, the 9th June, 1971

No. 2-83/69-CS&T (Tpt.).—Consequent upon the acceptance of the review application, dated 23rd June, 1969 of Shri Tilak Raj Kapoor, Assistant Manager, Himachal Government Transport, Una and in supersession of notification No. GM. 9-1103/65, dated the 19th March,

1966, the Governor, Himachal Pradesh, is pleased to order the appointment of Shri Ram Lal Gupta, Assistant Manager, to be on *ad hoc* basis with effect from 29th

March, 1966, the date on which he assumed charge of the post.

P. K. MATTOO,
Secretary.

भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अध्यक्षों और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि

DIRECTORATE OF CONSOLIDATION OF HOLDINGS NOTIFICATIONS

Simla-4, the 2nd June, 1971

No. P. ACO/CH-1664.—The notification in respect of Tikka Gora Majla, Mauza Bajuri, H.B. No. 47, Tehsil Hamirpur, District Kangra, made at serial No. 239 of notification No. 14493-A, dated the 5th September, 1962, issued by the composite State of Punjab and published in erstwhile Punjab Government Gazette dated the 21st September, 1962 is hereby cancelled. This cancellation shall come into force from the date of publication of this notification.

Simla-4, the 1st June, 1971

No. P. ACO/1633.—The notification in respect of Tikka Birhu, Mauza Dhatwal, No. Hadbast 34, Tehsil Hamirpur, District Kangra, made at serial No. 158 of notification No. 57-G/8077-A, dated the 3rd May, 1960, issued by the composite State of Punjab and published in the erstwhile Punjab Government Gazette, dated the 13th May, 1960 is hereby cancelled. This cancellation shall come into force from the date of publication of this notification.

JAI PAL SINGH,
Director.

REVENUE DEPARTMENT (CONSOLIDATION OF HOLDINGS) NOTIFICATION

Simla-4, the 15th June, 1971

No. P. ACO/1771.—With the object of Consolidation of Holdings, in the undermentioned estates, for the purpose of better cultivation of land therein, I, Jai Pal Singh, Director, Consolidation of Holdings, Himachal Pradesh, in exercise of the powers conferred by sub-section (1) of section 14 of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 as delegated to me by the Himachal Pradesh Government notification No. 3-11/67-Rev. I, dated the 8th April, 1969 hereby declare the Government's intention on its own motion to make a scheme for the Consolidation of Holdings, in such estates or part thereof:—

District: KANGRA		Tehsil: UNA	
Sl. No.	Name of village	H. B. No.	Total area in acres
1.	Gagret	144	2436
2.	Pomra	146	168
3.	Pandohga	195	3475

JAI PAL SINGH,
Director.

INDUSTRIES DEPARTMENT NOTIFICATION

DECLARATION UNDER SECTION 24 OF THE PUNJAB STATE AID TO INDUSTRIES ACT, 1935

Simla, the 14th June, 1971

No. DL-2/Ind. (Loans) (400/).—Whereas a notice was served on Shri Jiwan Lal s/o Shri Bhagat Ram, village Patshal, P.O. Kalihatti, District Simla (Himachal Pradesh) on the 18th March, 1971, under section 23 of the Punjab State Aid to Industries Act, 1935, calling upon the said Shri Jiwan Lal s/o Shri Bhagat Ram to pay to me the sum of Rs. 1,166.67 plus Rs. 159 as interest thereon at the rate of 5% and 8% per annum from 23rd February, 1970 till date of final payment and whereas the said sum has not been paid in full, I hereby declare that the sum of Rs. 2,333.34 plus Rs. 235.81 with further interest thereon at the rate of 8% per annum from 23rd February, 1971 till date of final payment is due from the said Shri Jiwan Lal s/o Shri Bhagat Ram, village Patshal, P.O. Kalihatti and that the property described in the attached schedule is liable for the satisfaction of the said debt.

SCHEDULE

The security offered consists of:—

1. All the assets of the borrower including book debts, stock shares, premises and machinery whether existing or to be purchased with the amount of loan.
2. All the assets of loanee and following two sureties:—
 1. Shri Lachhmi Ram son of Shri Udmi Ram, village Kanshi Patta, P.O. Mamligh, Tehsil Kandaghat, District Simla.
 2. Shri Ratti Ram s/o Shri Udmi Ram, village Kanshi Patta, P.O. Mamligh, Tehsil Kandaghat, District Simla.

Sd/-
Assistant District Industries Officer, Simla.

PUBLIC WORKS DEPARTMENT NOTIFICATION

Simla-1, the 5th June, 1971

No. PWE. 148-8/68-ES-II-2923-81F.—In exercise of the powers vested in me under rule 10A of the Delegation of Financial Powers Rules, 1958, I hereby declare the following Executive Engineers as Heads of Offices and Drawing and Disbursing Officers in respect of all Heads of Account both under Plan and Non-Plan as mentioned below:—

Sl. No.	Name of Division	Head of Account
1.	National Highway Division, Himachal Pradesh Public Works Department, Solan.	1. 50—Public Works other works. 2. 52—Capital Outlay in P.W. buildings inside the Revenue Account.

Sl. No. Name of Division
2. National Highway Division, Himachal Pradesh Public Works Department, Simla.

Head of Account
3. 103—Capital Outlay on Public Works (Communication and Buildings).
4. 30—Public Health.
5. 44—Irrigation, Navigation, Embankment and Drainage Works (Non-Commercial).
6. 95—Capital Outlay on Schemes of Agriculture Improvements of Research.
7. 94—Capital Outlay on Improvement of P. H.
8. XXXVII—Public Works.

9. Q—Loans and Advances
10. S. Deposit and Advances
11. 48—Capital Outlay on Irrigation, Navigation, Embankment and Drainage Works.
12. XXXV—Irrigation, Navigation, Embankment and Drainage Works.
13. 89—Miscellaneous Social and Development Organisation.

They will also be Controlling Officer for the purpose of T.A. in respect of class II, III and IV staff members working under them.

R. C. SINGH,
Chief Engineer (I).

भाग 3—अधिनियम, विधेयक और विधेयकों पर प्रवर समिति के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाइनैन्शियल कमिशनर तथा कमिशनर आफ

इन्कम-टैक्स द्वारा अधिसूचित आदेश इत्यादि

EXCISE AND TAXATION DEPARTMENT NOTIFICATION

Simla-4, the 9th June, 1971

No. 1-8/66-E&T.—Consequent upon the transfer of Shri Bhup Chandel, Excise and Taxation Officer, Chamba district and Shri Sapuran Singh, Excise and Taxation Officer, who has been posted as Excise and Taxation Officer, Chamba district having not joined his duties till now, I in exercise of the powers vested in me under rule 10 (4) of the Delegation of Financial Powers Rules, 1958 read with the Government of India, Ministry of Home Affairs letter No. 14/5/63 Finance (pt.), dated the 1st May, 1964 hereby declare Shri S. D. Chauhan, Assistant Excise and Taxation Officer, Chamba district as Head of Office in respect of class III and IV employees of the Excise and Taxation Department, Himachal Pradesh posted in Chamba district under the following heads of account with immediate effect till the joining of Shri Sapuran Singh, Excise and Taxation Officer:—

- (i) 10—State Excise Duties.
B—District Executive Establishment.
- (ii) 13—Other Taxes and Duties.
A—Collection Charges.
A-2—Superintendence.

The aforesaid officer will also function as a Controlling Officer in respect of T.A. and D.A. of class III and IV employees.

By order,
PRABHAKAR KAMAT,
Excise and Taxation Commissioner.

These rules shall come into force from the date of their publication in the Official Gazette.

K. N. CHANNA,
Chief Secretary.

RECRUITMENT RULES FOR THE POST OF TECHNICAL OFFICER (SOUND) IN THE DEPARTMENT OF PUBLIC RELATIONS, GOVERNMENT OF HIMACHAL PRADESH

File No. F.3/24-A(1)/70PR.

1. Name of post.—Technical Officer (Sound).
2. No. of posts.—One.
3. Classification.—Class-II Gazetted Non-Ministerial (Technical).
4. Scale of pay.—Rs. 300-20-600.
5. Whether selection post or non-selection post.—Selection.
6. Age for direct recruits.—35 years and below (Relaxable for Government servants).
7. Educational and other qualifications required for direct recruits.—

ESSENTIAL:

- (i) a degree in Electronics/Telecommunication from a recognised University or equivalent;

Or

- (ii) a degree in Science with Physics as a subject followed by a post-graduate diploma in Radio Engineering Telecommunication Engineering of a recognised University/Institution or its equivalent;

Or

- (iii) diploma in Radio Engineering or Telecommunication of a recognised institute with about 3 years experience in a large Government or commercial concern (Qualifications relaxable at Commission's discretion in case of candidates otherwise well qualified);

DESIRABLE:

- (1) Practical experience of radio repairs, circuit designs and handling of repairs of cinematographic equipment/light generating plants with technical know-how of public address equipment.

GENERAL ADMINISTRATION DEPARTMENT NOTIFICATION

Simla-2, the 18th June, 1971

No. 3-1/69-GAD-II(Pub.).—In exercise of the powers vested in him under Article 309 of the Constitution, the Governor, Himachal Pradesh is pleased to make the Recruitment Rules, as in the attached Schedule, for class II (Gazetted) post of Technical Officer (Sound) in the Directorate of Public Relations, Himachal Pradesh, after consultation with the Union Public Service Commission obtained vide letter No. F.3/24-A(1)/70-PR, dated the 29th January, 1971.

(2) Knowledge of customs, manners and dialects of Himachal Pradesh.

(3) Adequate knowledge of Hindi.

8. *Whether age and Educational Qualifications prescribed for direct recruits will apply in the case of promotees.*—Age - No, Essential qualifications—Yes.

9. *Period of probation, if any.*—Two years.

10. *Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer or percentage of the vacancies to be filled by various methods.*—By promotion failing which by direct recruitment.

11. *In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer*

to be made.—

PROMOTION:

(i) Assistant Radio Engineers; and

(ii) Technical Advisor with 10 years service in the grade.

12. *If a Departmental Promotion Committee exists, what is its composition.*—Class II Departmental Promotion Committee.

13. *Circumstances in which U.P.S.C. is to be consulted in making recruitment.*—As required under the Union Public Service Commission (Exemption from Consultation) Regulations, 1958.

Sd/-

Under Secretary,
Union Public Service Commission.

भाग 4—स्थानीय स्वायत्त शासन: म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायत विभाग

COMMUNITY DEVELOPMENT AND PANCHAYATS DEPARTMENT NOTIFICATION

Simla-2, the 9th June, 1971

No. 1-11/69-CDP (Pnt).—The Government have decided to entrust the question of revision of pay scales of Panchayat Secretaries and Chowkidars serving in Gram Panchayats of Himachal Pradesh (in addition to the terms of reference already entrusted) to the Local Bodies Pay Committee, already constituted by the Government.

2. The Government appoint the following persons as additional Members of the said Committee:—

(1) Shri Bhumi Dev, Chairman, Zila Parishad, Kangra.

(2) Shri Sunder Singh, Chairman, Block Development Committee, Nahan.

3. While considering the question of the pay scales of the Panchayat Secretaries and Chowkidars the Committee shall also go into the question of appropriate workload to be entrusted to each Panchayat Secretary and Chowkidar.

By order,
K. C. PANDEYA,
Secretary.

ORDERS

Simla-2, the 11th June, 1971

No. 5-18/70-CD (Pnt).—Whereas an inquiry into the misappropriation and embezzlement of Panchayats funds was ordered against Shri Hari Singh, President, Gram Panchayat Gohar, Tehsil Chachiot, District Mandi, and simultaneously, he was placed under suspension vide Director of Panchayats, Himachal Pradesh order No. 4-G-22/66-Panch (C), dated the 22nd May, 1968, and No. 4-G-22/66-Panch. (C), dated the 22nd May, 1968, under section 118 (A) of the Himachal Pradesh Panchayati Raj Act, 1952 (Act No. 6 of 1953) read with notification No. Panch. 20-205/59, dated the 23rd August, 1965;

And whereas the report of the inquiry, as contained in Memo. No. Pnt. 18-vi (v) 64/4749, dated the 2nd July, 1968, revealed that Shri Hari Singh had acted in a manner unbecoming of a public servant;

And whereas the said Shri Hari Singh was asked to show cause, vide Director of Panchayats, Himachal Pradesh Memo. No. 4-C-22/66-Panch. (C), dated the 9th August, 1968, as to why he should not be removed

from the office of President, Gram Panchayat, Gohar;

Now, therefore, after taking into consideration the reply, dated the 25th November, 1968, of Shri Hari Singh and the fact that, while functioning as the President of the Gram Panchayat, aforesaid, Shri Hari Singh has been guilty of misconduct, the Government in terms of section 54 of the Himachal Pradesh Panchayati Raj Act, 1968, order the removal of the said Shri Hari Singh from the office of the President with immediate effect. The Government further order, in terms of sub-section (3) of section 54 *ibid* that Shri Hari Singh shall stand disqualified for re-election for a period of next three years to the Panchayats. He shall hand over the complete charge to the Vice-President.

Simla-2, the 14th June, 1971

No. 5-16/70-CD (Pnt).—Whereas a complaint has been received from Shri Dharam Singh Jamwal, village and P.O. Kukher, Tehsil Narpur, District Kangra and others alleging that Shri Bhuri Singh, while functioning as Sarpanch of Gram Panchayat Ther, Tehsil Narpur, District Kangra, has misused his powers, as such;

And whereas an inquiry under section 54 of the Himachal Pradesh Panchayati Raj Act, 1968 is contemplated against the said Shri Buri Singh;

Now, therefore, the Government, in terms of section 54 of the Himachal Pradesh Panchayati Raj Act, 1968, order an inquiry into the complaint and appoint the Deputy Commissioner, Kangra at Dharamsala or his nominee to inquire into the charges levelled against the Sarpanch, Shri Bhuri Singh in the above complaint and, further, direct the enquiry officer to furnish his report to the Government within a month positively.

Simla-2, the 16th June, 1971

No. 5-41/71-CD (Pnt).—Whereas Shri Ram Krishan, while functioning as the Sarpanch of Gram Panchayat, Kotla Khurd, Tehsil Una, District Kangra has not exhibited a good conduct in the discharge of his duties and is alleged to have committed a number of irregularities;

And whereas an enquiry under section 54 of the Himachal Pradesh Panchayati Raj Act, 1968, is contemplated against him;

Now, therefore, the Government, in terms of the

provisions of section 54 of the Himachal Pradesh Panchayati Raj Act, 1968, hereby order an enquiry in to the matter and appoint the Deputy Commissioner, Kangra or his nominee as the enquiry officer to furnish to it the report of enquiry within a month and, further, order that in case the said Shri Ram Krishan tries to evade the completion of the enquiry proceedings in any manner, he shall be placed under suspension and further action as may be warranted, taken against him.

NOTIFICATION

Simla-2, the 16th June, 1971

No. -2/71-CD (Pnt).—In exercise of the powers vested in him under rule 12 of the Punjab Village Common

Lands (Regulation) Rules, 1964, the Governor, Himachal Pradesh, is pleased to accord approval for the sale of *shamlai* land vested in Gram Panchayat Mati-Tirah, Tehsil Hamirpur, District Kangra comprised in Khasra Nos. 88, 89, 90, 91 and 92, measuring 51 kanals and 1 marla situated in village Gharan Masanda, Mauza Mati-Tirah, Tehsil Hamirpur, at the rate of Rs. 706.60 P. per kanal (cost based on 5 years' consolidated price) to the Department of Multipurpose Projects and Power, Himachal Pradesh for a public purpose namely for the construction of Electricity Sub-station etc.

K. C. PANDEYA,
Secretary.

भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन

In the Court/Office of Shri Narendra Nath, Arbitrator, Superintending Engineer, Irrigation Circle, Himachal Pradesh P.W.D., Simla-1

The Union of India through Executive Engineer, Bilaspur Division No. 2, Himachal Pradesh P.W.D., Bilaspur (Himachal Pradesh).

Versus

M/s Sodhi and Sons, Engineers and Contractors, 92, Model Town, Jullundur City.

To

M/s Sodhi and Sons, Engineers and Contractors, 92, Model Town, Jullundur City.

Whereas in the matter of arbitration between the Union of India *versus* M/s Sodhi and Sons, Engineers and Contractors, 92, Model Town, Jullundur City regarding the work "Construction of Simla-Nangal Road via Shri Naina Deviji mile 2½ to 5" in Bilaspur Division (II), Himachal Pradesh Public Works Department, Bilaspur, Himachal Pradesh, Agreement No. 90/55, it has not been possible to serve the notice upon M/s Sodhi and Sons, Engineers and Contractors, 92, Model Town, Jullundur City to appear before the undersigned for pursuing their case of arbitration. Hence this proclamation is hereby issued for them to appear in

this Court/Office on 8th July, 1971 at 11 A.M. for pursuing the case, otherwise the case will be discharged.

Given under my hand and seal of the Court/Office this 9th day of June, 1971.

Seal,

NARENDRA NATH,
Arbitrator.

STATE BANK OF PATIALA

NOTICE

Patiala, the 1st June, 1971/11th Jayistha, 1893 (Saka)

S.B.O.P. No. 23.—The following transfers and changes in the posting of Bank's Supervising Staff are hereby notified:—

1. Shri D. D. Sharma, Officer Grade II to be Manager Kunihar branch as from the commencement of business on 21st May, 1971.
2. Shri Brij Lal Gupta, Officer Grade II held charge of Nurpur branch as from the close of business on 18th May, 1971, to the commencement of business on 21st May, 1971.

S. D. GANDA,
General Manager.

भाग 6—भारतीय राजपत्र इत्यादि में से पुनः प्रकाशन

(देखिये पृष्ठ 682—715)

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिसूचनाएं तथा अन्य निर्वाचन सम्बन्धी अधिसूचनाएं

शून्य

अनुपूरक

शून्य

PART VI

LAW DEPARTMENT

NOTIFICATION

Simla-4, the 20th January, 1965

No. 1-1/64-LR.—The following Acts passed by the Parliament of India and published in the Gazette of India, Extraordinary part II, section I, dated the 18th, 19th, 19th, 21st, 21st, 21st, 22nd, 22nd, 24th, 26th, 26th, 26th, 29th, 30th, 30th, 30th and 30th December, 1964 respectively are hereby republished in the Himachal Pradesh Government Rajpatra for the information of general public:—

1. The Mineral Oils (Additional Duties of Excise and Customs) Amendment Act, 1964 (41 of 1964).
2. The Anti-Corruption Laws (Amendment) Act, 1964 (40 of 1964).
3. The Slum Areas (Improvement and Clearance) Amendment Act, 1964 (43 of 1964).
4. The Hindu Marriage (Amendment) Act, 1964 (44 of 1964).
5. The Provisional Collection of Taxes (Amendment) Act, 1964 (45 of 1964).
6. The Wealth Tax (Amendment) Act, 1964 (46 of 1964).
7. The Essential Commodities (Amendment) Act, 1964 (47 of 1964).
8. The Official Trustees (Amendment) Act, 1964 (48 of 1964).
9. The Prevention of Food Adulteration (Amendment) Act, 1964 (49 of 1964).
10. The Indian Tariff (Amendment) Act, 1964 (51 of 1964).
11. The Repealing and Amending Act, 1964 (52 of 1964).
12. The Foreign Exchange Regulation (Amendment) Act, 1964 (55 of 1964).
13. The Payment of Wages (Amendment) Act, 1964 (53 of 1964).
14. The Standards of Weights and Measures (Amendment) Act, 1964 (54 of 1964).

JOSEPH DINA NATH,
Under Secretary. (Judicial).

Assented to on 18-12-1964.

THE MINERAL OILS (ADDITIONAL DUTIES OF EXCISE AND CUSTOMS) AMENDMENT ACT, 1964

(ACT No. 41 OF 1964)

AN
ACT

further to amend the Mineral Oils (Additional Duties of Excise and Customs) Act, 1958.

Be it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Mineral Oils (Additional Duties of Excise and Customs) Amendment Act, 1964.

2. *Amendment of long title.*—In the Mineral Oils (Additional Duties of Excise and Customs) Act, 1958 (27 of 1958) (hereinafter referred to as the principal Act), in the long title, for the words "certain mineral oils", the words "certain mineral products" shall be substituted.

3. *Amendment of section 1.*—In section 1 of the principal Act, in sub-section (1), for the words "Mineral Oils", the words "Mineral Products" shall be substituted.

4. *Amendment of section 3.*—In section 3 of the principal Act, in sub-section (1), for the Table, the following Table shall be substituted, namely:—

"TABLE"

Description of goods	Rate of additional duty
1. Motor spirit ..	One hundred and sixty-five rupees per kilolitre at fifteen degrees of Centigrade thermometer.
2. Kerosene ..	Eighty rupees per kilolitre at fifteen degrees of Centigrade thermometer.
3. Refined diesel ..	One hundred rupees per kilolitre at fifteen degrees of Centigrade thermometer.
4. Diesel oil, not otherwise specified.	Sixty rupees per metric tonne.
5. Furnance oil ..	Sixty rupees per metric tonne.
6. Asphalt and Bitumen as described in item No. 11(1) of the First Schedule to the Central Excises and Salt Act, 1944 (1 of 1944).	Fifty rupees per metric tonne.
7. All products as described in item No. 11A of the First Schedule to the Central Excises and Salt Act, 1944 (1 of 1944)	Three hundred rupees per metric tonne."

5. *Amendment of section 5.*—In section 5 of the principal Act, in clause (b), the words and figure "under-section 4 or" shall be omitted.

Assented to on 18-12-1964.

THE ANTI-CORRUPTION LAWS (AMENDMENT)

ACT, 1964

(ACT No. 40 OF 1964)

AN
ACT

urther to amend the Indian Penal Code, 1860, the Code of Criminal Procedure, 1898, the Criminal Law Amendment Ordinance, 1944, the Delhi Special Police Establishment Act, 1946, the Prevention of Corruption Act, 1947 and the Criminal Law Amendment Act, 1952.

Be it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Anti-Corruption Laws (Amendment) Act, 1964.

2. *Amendment of Act 45 of 1860.*—In the Indian Penal Code,—

(1) in section 21,—

(i) for clause *Third*, the following clause shall be substituted, namely:—

"*Third.*—Every Judge including any person

empowered by law to discharge, whether by himself or as a member of any body of persons, any adjudicatory functions;”;

(ii) in clause *Fourth*, after the words “officer of a Court of Justice”, the brackets and words “(including a liquidator, receiver or commissioner)” shall be inserted;

(iii) in clause *Ninth*, the words “and every officer in the service or pay of the Government or remunerated by fees or commission for the performance of any public duty” shall be omitted;

(iv) for clause *Twelfth*, the following clause shall be substituted, namely:—

“*Twelfth*.—Every person—

(a) in the service or pay of the Government or remunerated by fees or commission for the performance of any public duty by the Government;

(b) in the service or pay of a local authority, a corporation established by or under a Central, Provincial or State Act or a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956).”;

(v) *Explanation 4* shall be omitted;

(2) in section 161, section 162 and section 163, after the words “the Legislature of any State”, the words and figures “or with any local authority, corporation or Government company referred to in section 21” shall be inserted.

3. *Amendment of Act 5 of 1898*.—In the Code of Criminal Procedure, 1898,—

(1) in section 198B,—

(a) in sub-section (1), the brackets and words “(other than the offence of defamation by spoken words)” shall be omitted;

(b) after sub-section (5), the following sub-section shall be inserted, namely:—

“(5-A) Every trial under this section shall be held *in camera* if either party thereto so desires or if the Court of Session so thinks fit to do.”;

(c) after sub-section (13), the following sub-section shall be inserted, namely:—

“(14) Where a case is instituted under this section for the trial of an offence, nothing in sub-section (13) shall be construed as requiring a complaint to be made also by the person aggrieved by such offence.”;

(2) in sub-section (2) of section 222, for the words “dishonest misappropriation of money, it shall be sufficient to specify the gross sum”, the words “dishonest misappropriation of money or other movable property, it shall be sufficient to specify the gross sum or, as the case may be, describe the movable property” shall be substituted;

(3) in sub-section (1) of section 492, for the words “The State Government”, the words “The Central Government or the State Government” shall be substituted;

(4) in sub-section (1) of section 495, for the words “generally or specially empowered by the State Government”, the words “generally or specially empowered by the Central Government or the State Government” shall be substituted.

4. *Amendment of Ordinance 38 of 1944*.—In the Schedule to the Criminal Law Amendment Ordinance, 1944, after item 4, the following item shall be inserted, namely:—

“4A. An offence punishable under section 5 of the

Prevention of Corruption Act, 1947 (2 of 1947)

5. *Amendment of Act 25 of 1946*.—In the Delhi Special Police Establishment Act, 1946, in section 5, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Where any such order under sub-section (1) is made in relation to any area then, without prejudice to the provisions of sub-section (2), any member of the Delhi Special Police Establishment of or above the rank of Sub-Inspector may, subject to any orders which the Central Government may make in this behalf, exercise the powers of the officer in charge of a police station in that area and when so exercising such powers, shall be deemed to be an officer in charge of a police station discharging the functions of such an officer within the limits of his station.”.

6. *Amendment of Act 2 of 1947*.—In the Prevention of Corruption Act, 1947,—

(1) in section 4,—

(a) in sub-section (1), after the words and figures “or section 165 of the Indian Penal Code”, the words, brackets, letters and figures “or of an offence referred to in clause (a) or clause (b) of sub-section (1) of section 5 of this Act punishable under sub-section (2) thereof” shall be inserted;

(b) in sub-section (2), after the words, figures and letter “section 165A of the Indian Penal Code”, the words, brackets and figures “or under clause (ii) of sub-section (3) of section 5 of this Act” shall be inserted;

(2) in section 5,—

(a) in sub-section (1),—

(i) the words “in the discharge of his duty” shall be omitted;

(ii) in clause (d), the word “, or” shall be inserted at the end and after clause (d) as so amended, the following clause shall be inserted, namely:—

“(e) if he or any person on his behalf is in possession or has, at any time during the period of his office, been in possession, for which the public servant cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income.”;

(b) in sub-section (2), the words “in the discharge of his duty” shall be omitted;

(c) for sub-sections (2A) and (3), the following sub-sections shall be substituted, namely:—

“(3) Whoever habitually commits—

(i) an offence punishable under section 162 or section 163 of the Indian Penal Code (45 of 1860), or

(ii) an offence punishable under section 165A of the Indian Penal Code,

shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to seven years, and shall also be liable to fine:

Provided that the court may, for any special reasons recorded in writing, impose a sentence of imprisonment of less than one year.

(3A) Whoever attempts to commit an offence referred to in clause (c) or clause (d) of sub-section (1) shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

(3B) Where a sentence of the fine is imposed under sub-section (2) or sub-section (3), the court in fixing the amount of fine shall take into consideration the amount or the value of the property, if any, which the accused

person has obtained by committing the offence or where the conviction is for an offence referred to in clause (e) of sub-section (1), the pecuniary resources or property referred to in that clause for which the accused person is unable to account satisfactorily.”;

(3) for section 5A, the following section shall be substituted, namely:—

“5A. *Investigation into cases under this Act.*—(1) Notwithstanding anything contained in the Code of Criminal Procedure 1898 (5 of 1898), no police officer below the rank,—

- (a) in the case of the Delhi Special Police Establishment, of an Inspector of Police;
- (b) in the presidency-towns of Calcutta and Madras, of an Assistant Commissioner of Police;
- (c) in the presidency-town of Bombay, of a Superintendent of Police; and
- (d) elsewhere, of a Deputy Superintendent of Police, shall investigate any offence punishable under section 161, section 165 or section 165A of the Indian Penal Code (45 of 1860), or under section 5 of this Act without the order of a Presidency Magistrate or a Magistrate of the First Class, as the case may be, or make any arrest therefor without a warrant:

Provided that if a police officer not below the rank of an Inspector of Police is authorised by the State Government in this behalf by general or special order, he may also investigate any such offence without the order of a Presidency Magistrate or a Magistrate of the First Class, as the case may be, or make arrest therefor without a warrant:

Provided further that an offence referred to in clause (e) of sub-section (1) of section 5 shall not be investigated without the order of a police officer not below the rank of a Superintendent of Police.

(2) If, from information received or otherwise, a police officer has reason to suspect the commission of an offence which he is empowered to investigate under sub-section (1) and considers that for the purpose of investigation or inquiry into such offence, it is necessary to inspect any bankers' books, then, notwithstanding anything contained in any law for the time being in force, he may inspect any bankers' books in so far as they relate to the accounts of the person suspected to have committed that offence or of any other person suspected to be holding money on behalf of such person, and take or cause to be taken certified copies of the relevant entries therefrom, and the bank concerned shall be bound to assist the police officer in the exercise of his powers under this sub-section:

Provided that no power under this sub-section in relation to the accounts of any person shall be exercised by a police officer below the rank of a Superintendent of Police, unless he is specially authorised in this behalf by a police officer of or above the rank of a Superintendent of Police.

Explanation.—In this sub-section, the expressions “bank” and “bankers' books” shall have the meanings assigned to them in the Bankers' Books Evidence Act, 1891 (18 of 1891).”;

(4) in sub-section (1) of section 6, after the word, brackets and figures “sub-section (2)”, the words, brackets figure and letter “or sub-section (3A)” shall be inserted;

(5) after section 6, the following section shall be inserted, namely:—

“6A. *Particulars in a charge in relation to an offence under section 5(1)(c).*—Notwithstanding anything contained in the Code of Criminal Procedure,

1898 (5 of 1898), when an accused is charged with an offence under clause (c) of sub-section (1) of section 5, it shall be sufficient to describe in the charge the property in respect of which the offence is alleged to have been committed, and the dates between which the offence is alleged to have been committed, without specifying particular items or exact dates, and the charge so framed shall be deemed to be a charge of one offence within the meaning of section 234 of the said Code:

Provided that the time included between the first and last of such dates shall not exceed one year.”;

(6) in section 7, the words, brackets and figure “sub-section (2) of” shall be omitted;

(7) after section 7, the following section shall be inserted, namely:—

“7A. *The Code of Criminal Procedure, 1898, to apply subject to certain modifications.*—The provisions of the Code of Criminal Procedure, 1898 (5 of 1898), shall, in their application to any proceeding in relation to an offence punishable under section 161, section 165 or section 165A of the Indian Penal Code (45 of 1860) or under section 5 of this Act, have effect as if,—

- (a) in sub-section (8) of section 251A, for the words “The accused shall then be called upon”, the words “The accused shall then be required to give in writing at once or within such time as the Magistrate may allow, a list of the persons, (if any) whom he proposes to examine as his witnesses and of the documents (if any) on which he proposes to rely, and he shall then be called upon” had been substituted;

- (b) in sub-section (1A) of section 344, after the second proviso, the following proviso had been inserted, namely:—

“Provided also that the proceeding shall not be adjourned or postponed merely on the ground that an application under section 435 has been made by a party to the proceeding.”;

- (c) in sub-section (1) of section 435, before the *Explanation*, the following proviso had been inserted, namely:—

“Provided that where the powers under this sub-section are exercised by a Court on an application made by a party to such proceedings, the Court shall not ordinarily call for the record of the proceeding—

- (a) without giving the other party an opportunity of showing cause why the record should not be called for; or
- (b) if it is satisfied that an examination of the record of the proceeding may be made from the certified copies thereof;

and in any case, the proceedings, before the inferior court shall not be stayed except for reasons to be recorded in writing.”;

- (d) after sub-section (2) of section 540A the following sub-section had been inserted, namely:—

“(3) Notwithstanding anything contained in sub-section (1) or sub-section (2) the Judge or Magistrate may, if he thinks fit and for reasons to be recorded by him, proceed with inquiry or trial in the absence of the accused or his pleader and record the evidence of any witness subject to the right of the accused to recall the witness for cross-examination.”;

- (8) in section 8, after the word, brackets and *agur*

"sub-section (2)", the words, brackets, figure and letter "or sub-section (3A)" shall be inserted.

7. *Amendment of Act 46 of 1952.*—In the Criminal Law Amendment Act, 1952, in clause (a) of sub-section (1) of section 6, the words, brackets and figure "sub-section (2) of" shall be omitted.

Assented to on 20-12-64.

THE SLUM AREAS (IMPROVEMENT AND CLEARANCE) AMENDMENT ACT, 1964 (ACT NO. 43 OF 1964)

AN
ACT

to Amend the Slum Areas (Improvement and Clearance) Act, 1956.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Slum Areas (Improvement and Clearance) Amendment Act, 1964.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*—In section 2 of the Slum Areas (Improvement and Clearance) Act, 1956 (96 of 1956), (hereinafter referred to as the principal Act,—

(i) for clauses (e) and (f), the following clauses shall be substituted, namely:—

'(e) "land" includes benefits to arise out of land, and things attached to the earth or permanently fastened to anything attached to the earth;

(f) "occupier" includes—

(a) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;

(b) an owner in occupation of, or otherwise using his land or building;

(c) a rent-free tenant of any land or building;

(d) a licensee in occupation of any land or building; and

(e) any person who is liable to pay to the owner damages for the use and occupation of any land or building;";

(ii) after clause (i), the following clause shall be inserted, namely:—

'(j) "work of improvement" includes in relation to any building in a slum area the execution of any one or more of the following works, namely:—

(i) necessary repairs;

(ii) structural alterations;

(iii) provision of light points, water taps and bathing places;

(iv) construction of drains, open or covered;

(v) provision of latrines, including conversion of dry latrines into water-borne latrines;

(vi) provision of additional or improved fixtures or fittings;

(vii) opening up or paving of courtyards;

(viii) removal of rubbish; and

(ix) any other work including the demo-

lition of any building or any part thereof which in the opinion of the competent authority is necessary for executing any of the works specified above."

3. *Amendment of section 4.*—In section 4 of the principal Act,—

(a) to sub-section (1), the following proviso shall be added, namely:—

"Provided that where the owner of the building is different from the owner of the land on which the building stands and the works of improvement required to be executed relate to provision of water taps, bathing places, construction of drains, open or covered, as the case may be, provision of water-borne latrines or removal of rubbish and such works are to be executed outside the building, the notice shall be served upon the owner of the land."

(b) in sub-section (2), after the word "building", the words "or the land on which the building stands" shall be inserted.

4. *Amendment of section 5.*—In section 5 of the principal Act,—

(a) in sub-sections (1) and (2), after the words "owner of the building" wherever they occur, the words "or of the land on which the building stands, as the case may be," shall be inserted;

(b) sub-section (3) shall be omitted.

5. *Insertion of new section 6A.*—After section 6 of the principal Act, the following section shall be inserted, namely:—

"6A. *Restriction on building etc., in slum areas.*—

(1) The competent authority may, by notification in the Official Gazette, direct that no person shall erect any building in a slum area except with the previous permission in writing of the competent authority

(2) Every notification issued under sub-section (1) shall cease to have effect on the expiration of two years from the date thereof except as respects things done or omitted to be done before such cesser.

(3) Every person desiring to obtain the permission referred to in sub-section (1) shall make an application in writing to the competent authority in such form and containing such information in respect of the erection of the building to which the application relates as may be prescribed.

(4) On receipt of such application, the competent authority, after making such inquiry as it considers necessary, shall, by order in writing,—

(a) either grant the permission subject to such terms and conditions, if any, as may be specified in the order; or

(b) refuse to grant such permission:

Provided that before making an order refusing such permission, the applicant shall be given a reasonable opportunity to show cause why the permission should not be refused.

(5) Nothing contained in sub-section (1) shall apply to—

(a) any works of improvement required to be executed by a notice under sub-section (1) of section 4 or in pursuance of an undertaking given under sub-section (2) of section 7; or

(b) the erection of any building in any area in respect of which a slum clearance order has been made under section 10."

6. *Amendment of section 10.*—In section 10 of the principal Act, for sub-section (7), the following sub-section shall be substituted, namely:—

1/(7) Subject to the provisions of this Act, where a

slum clearance order has become operative, the owner of the land to which the order applies may re-develop the land in accordance with plans approved by the competent authority and subject to such restrictions and conditions (including a condition with regard to the time within which the re-development shall be completed), if any, as that authority may think fit to impose:

Provided that an owner who is aggrieved by a restriction or condition so imposed on the user of his land or by a subsequent refusal of the competent authority to cancel or modify any such restriction or condition may, within such time as may be prescribed, appeal to the Administrator and the Administrator shall make such order in the matter as he thinks proper and his decision shall be final."

7. *Substitution of new section for section 11.*—For section 11 of the principal Act, the following section shall be substituted, namely:—

"11. *Power of competent authority to re-develop clearance area.*—(1) Notwithstanding anything contained in sub-section (7) of section 10, the competent authority may at any time after the land has been cleared of the buildings in accordance with a slum clearance order but before the work of re-development of that land has been commenced by the owner, by order, determine to re-develop the land if that authority is satisfied that it is necessary in the public interest to do so.

(2) Where land has been cleared of the buildings in accordance with a slum clearance order, the competent authority, if it is satisfied that the land has been, or is being, re-developed by the owner thereof in contravention of plans approved by the authority or any restrictions or conditions imposed under sub-section (7) of section 10 or has not been re-developed within the time, if any, specified under such conditions, may, by order, determine to re-develop the land:

Provided that before passing such order, the owner shall be given a reasonable opportunity to show cause why the order should not be passed."

8. *Amendment of section 13.*—To section 13 of the principal Act, the following proviso shall be added, namely:—

"Provided that where on any representation from the competent authority, the Central Government is satisfied that any such land or any portion thereof is unsuitable for the purposes mentioned in this section, the Central Government may use the land or allow it to be used for such other public purpose or purposes as it may deem fit."

9. *Amendment of section 15.*—In section 15 of the principal Act, in sub-section (6),—

(i) in the first proviso, for the words "in such proportion as he considers reasonable:", the words "in the same proportion as the market price of the land bears to the market price of the building on the date of the acquisition." shall be substituted;

(ii) the second proviso shall be omitted.

10. *Substitution of new section for section 19.*—For section 19 of the principal Act, the following section shall be substituted, namely:—

"19. *Proceedings for eviction of tenants not to be taken without permission of the competent authority.*—

(1) Notwithstanding anything contained in any other law for the time being in force, no person shall, except with the previous permission in writing of the competent authority,—

(a) institute, after the commencement of the Slum Areas (Improvement and Clearance) Amendment Act, 1964, any suit or proceeding for obtaining any decree or order for the eviction of a tenant from any building or land in a slum area; or

(b) where any decree or order is obtained in any suit or proceeding instituted before such commencement for the eviction of a tenant from any building or land in such area, execute such decree or order.

(2) Every person desiring to obtain the permission referred to in sub-section (1) shall make an application in writing to the competent authority in such form and containing such particulars as may be prescribed.

(3) On receipt of such application, the competent authority, after giving an opportunity to the parties of being heard and after making such summary inquiry into the circumstances of the case as it thinks fit, shall by order in writing, either grant or refuse to grant such permission.

(4) In granting or refusing to grant the permission under sub-section (3), the competent authority shall take into account the following factors, namely:—

(a) whether alternative accommodation within the means of the tenant would be available to him if he were evicted;

(b) whether the eviction is in the interest of improvement and clearance of the slum areas;

(c) such other factors, if any, as may be prescribed.

(5) Where the competent authority refuses to grant the permission, it shall record a brief statement of the reasons for such refusal and furnish a copy thereof to the applicant."

11. *Substitution of new section for section 20.*—For section 20 of the principal Act, the following section shall be substituted, namely:—

"20. *Appeals.*—Any person aggrieved by an order of the competent authority refusing to grant the permission referred to in sub-section (1) of section 6A or referred to in sub-section (1) of section 19 may, within such time as may be prescribed, prefer an appeal to the Administrator and the Administrator may, after hearing the appellant, decide such appeal and his decision shall be final."

12. *Insertion of new sections 20A and 20B.*—After section 20 of the principal Act, the following sections shall be inserted, namely:—

"20A. *Restoration of possession of premises vacated by a tenant.*—(1) Where a tenant in occupation of any building in a slum area vacates any building or is evicted therefrom on the ground that it was required for the purpose of executing any work of improvement or for the purpose of re-erection of the building, the tenant may, within such time as may be prescribed, file a declaration with the competent authority that he desires to be replaced in occupation of the building after the completion of the work of improvement or re-erection of the building as the case may be.

(2) On receipt of such declaration, the competent authority shall by order require the owner of the building to furnish to it, within such time as may be prescribed, the plans of the work of improvement or re-erection of the building and estimates of the cost thereof and such other particulars as may be necessary and shall, on the basis of

such plans and estimates and particulars, if any, furnished and having regard to the provisions of sub-section (3) of section 20B and after holding such inquiry as it may think fit, provisionally determine the rent that would be payable by the tenant if he were to be replaced in occupation of the building in pursuance of the declaration made by him under sub-section (1).

(3) The rent provisionally determined under sub-section (2) shall be communicated in the prescribed manner to the tenant and the owner.

(4) If the tenant after the receipt of such communication intimates in writing to the competent authority within such time as may be prescribed that when he is replaced in occupation of the building in pursuance of the declaration made by him under sub-section (1), he would pay to the owner until the rent is finally determined under section 20B the rent provisionally determined under sub-section (2), the competent authority shall direct the owner to place the tenant in occupation of the building after the completion of the work of improvement or re-erection of the building, as the case may be, and the owner shall be bound to comply with such direction.

20B. *Rent of buildings in slum areas.*—(1) Where any building in a slum area is let to a tenant after the execution of any work of improvement or after it has been re-erected, the rent of the building shall be determined in accordance with the provisions of this section.

(2) Where any such building is let to a tenant other than a tenant who is placed in possession of the building in pursuance of a direction issued under sub-section (4) of section 20A, the tenant shall be liable to pay to the owner—

- (a) if there is a general law relating to the control of rents in force in the area in which the building is situated and applicable to that building, the rent determined in accordance with the provisions of that law;
- (b) if there is no such law in force in such area, such rent as may be agreed upon between the owner and the tenant.

(3) Where any such building is let to a tenant in pursuance of a direction issued under sub-section (4) of section 20A, the tenant shall, notwithstanding any law relating to the control of rents in force in the area, be liable to pay to the owner—

- (a) if any work of improvement has been executed in relation to the building, an annual rent of a sum equivalent to the aggregate of the following amounts, namely:—
 - (i) the annual rent the tenant was paying immediately before he vacated the building for the purpose of execution of the work of improvement;
 - (ii) six per cent of the cost of the work of improvement; and
 - (iii) six per cent of a sum equivalent to the compensation payable in respect of any land which may have been acquired for the purpose of effecting such improvement as if such land were acquired under section 12 on the date of the commencement of the work of improvement;
- (b) if the building has been re-erected, an annual rent of a sum equivalent to four per cent of the aggregate cost of reconstruction of the building and the cost of the land on which the building is re-erected.

Explanation.—For the purposes of this clause, the cost of the land shall be deemed to be a sum equivalent to the

compensation payable in respect of the land if it were acquired under section 12 on the date of commencement of the reconstruction of the building.

(4) The rent payable by a tenant in respect of any building under sub-section (3) shall, on an application made by the tenant or the owner, be determined by the authority referred to in sub-section (5):

Provided that an application for determination of such rent by the owner or the tenant shall not, except for sufficient cause, be entertained by such authority after the expiry of ninety days from the completion of the work of improvement or re-erection of the building, as the case may be.

(5) The authority to which the application referred to in sub-section (4) shall be made, shall be—

- (a) where there is a general law relating to the control of rents in force in the area in which the building is situate, the authority to whom applications may be made for fixing of rents of buildings situate in that area; and for the purpose of determining the rent under this section that authority may exercise all or any of the powers it has under the said general law; and the provisions of such law including provisions relating to appeals shall apply accordingly;
- (b) if there is no such law in force in that area, such authority as may be specified by rules made in this behalf by the Central Government and such rules may provide the procedure that will be followed by that authority in determining the rent and also for appeals against the decision of such authority.

(6) Where the rent is finally determined under this section, then the amount of rent paid by the tenant shall be adjusted against the rent so finally determined and if the amount so paid falls short of, or is in excess of, the rent finally determined, the tenant shall pay the deficiency, or be entitled to a refund, as the case may be.”

13. *Amendment of section 21.*—In section 21 of the principal Act,—

- (i) for the words “execution of any decree or order under any law for the eviction”, the words “eviction under any law” shall be substituted;
- (ii) for the words “the Delhi Improvement Trust”, the words “the Delhi Development Authority” shall be substituted.

14. *Amendment of section 27.*—In section 27 of the principal Act, for the words “No building or land”, the words “Save as provided in this Act, no building or land” shall be substituted.

15. *Amendment of section 28.*—In section 28 of the principal Act, after the words “specified in the order”, the words “and for the purpose of such eviction may use or cause to be used such force as may be necessary” shall be inserted.

16. *Amendment of section 32.*—In section 32 of the principal Act, in sub-section (1), for the words “does any act in contravention of”, the words “fails to comply with” shall be substituted.

17. *Amendment of section 33.*—Section 33 of the principal Act shall be re-numbered as sub-section thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

- (2) For the purpose of causing any building to be demolished under sub-section (1), the competent authority may use or cause to be used such force as may be necessary.”

18. *Amendment of section 36.*—Section 36 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) The Central Government may, by notification in the Official Gazette, direct that any power exercisable by the Administrator under sub-section (7) of section 10, section 15, section 20 and section 30 may, subject to such conditions, if any, as may be specified in the notification, be exercised also by the Chief Secretary or by such other officer as may be mentioned therein.”

19. *Insertion of new section 37A.*—After section 37 of the principal Act, the following section shall be inserted, namely:—

“37A. *Bar of jurisdiction.*—Save as otherwise expressly provided in this Act, no civil court shall have jurisdiction in respect of any matter which the competent authority or any other person is empowered by or under this Act, to determine and no jurisdiction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.”

20. *Amendment of section 40.*—In section 40 of the principal Act,—

(i) in sub-section (2),—

(a) after clause (b), the following clauses shall be inserted, namely:—

“(bb) the form in which an application under sub-section (3) of section 6A shall be made and the information to be furnished and the fees to be levied in respect of such application;

(bbb) the manner in which inquiries may be held under sections 15 and 19;”

(b) in clause (d), after the words “be followed”, the words “and the factors to be taken into consideration” shall be inserted;

(c) in clause (e), for the word and figures “section 20” the words, figures and brackets “sub-section (7) of section 10 of section 20” shall be substituted;

(d) after clause (e) the following clauses shall be inserted, namely:—

“(ee) the time within which a declaration may be filed under sub-section (1) or an intimation may be sent under sub-section (4) of section 20A and the fees, if any, to be levied in respect of such declaration;

(eee) the time within which plans, estimates and other particulars referred to in sub-section (2) of section 20A may be furnished;

(eeee) the procedure to be followed by the competent authority for fixing the provisional rent under sub-section (2) of section 20A;

(eeeee) the manner in which the rent provisionally determined under section 20A shall be communicated to the tenants and owners;

(eeeeee) the matters in respect of which provision may be made under sub-section (5) of section 20B;”

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in

making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

Assented to on 20-12-64

THE HINDU MARRIAGE (AMENDMENT) ACT, 1964

(ACT No. 44 OF 1964)

AN

ACT

furth^r to amend the Hindu Marriage Act, 1955.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Hindu Marriage (Amendment) Act, 1964

2. *Amendment of section 13.*—In section 13 of the Hindu Marriage Act, 1955 (25 of 1955),—

(i) in sub-section (1),—

(a) the word “or” at the end of clause (vii) shall be omitted; and

(b) clauses (viii) and (ix) shall be omitted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Either party to a marriage, whether solemnized before or after the commencement of this Act, may also present a petition for the dissolution of the marriage by a decree of divorce on the ground—

(i) that there has been no resumption of cohabitation as between the parties to the marriage for a period of two years or upwards after the passing of a decree for judicial separation in a proceeding to which they were parties; or

(ii) that there has been no restitution of conjugal rights as between the parties to the marriage for a period of two years or upwards after the passing of a decree for restitution of conjugal rights in a proceeding to which they were parties.”

Assented to on 22-12-64.

THE PROVISIONAL COLLECTION OF TAXES (AMENDMENT) ACT, 1964

(ACT No. 45 OF 1964)

AN

ACT

furth^r to amend the Provisional Collection of Taxes Act, 1931.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Provisional Collection of Taxes (Amendment) Act, 1964.

(2) This Act shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of sections 4 and 5.*—In sections 4 and 5 of the Provisional Collection of Taxes Act, 1931 (16 of 1931), for the words “sixtieth day”, wherever they occur the words “seventy-fifth day” shall be substituted.

Assented to on 22-12-64.
THE WEALTH-TAX (AMENDMENT) ACT, 1964
 (Act No. 46 of 1964)

AN
 ACT

further to amend the Wealth-tax Act, 1957.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Wealth-tax (Amendment) Act, 1964.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*—In section 2 of the Wealth Tax Act, 1957 (27 of 1957) (hereinafter referred to as the principal Act),—

(a) for clauses (b), (c) and (d), the following clauses shall be substituted, namely:—

“(b) “Appellate Tribunal” means the Appellate Tribunal constituted under section 252 of the Income-tax Act;

(c) “assessee” means a person by whom wealth-tax or any other sum of money is payable under this Act, and includes—

(i) every person in respect of whom any proceeding under this Act has been taken for the determination of wealth-tax payable by him or by any other person or the amount of refund due to him or such other person;

(ii) every person who is deemed to be an assessee under this Act;

(iii) every person who is deemed to be an assessee in default under this Act;

(ca) “assessment” includes re-assessment;

(d) “assessment year” means the period of twelve months commencing on the 1st day of April every year;”

(b) in clause (e), in sub-clause (v), the words “from the date the interest vests in the assessee” shall be inserted at the end;

(c) after clause (h), the following clause shall be inserted, namely:—

“(ha) “Director of Inspection” includes an Additional Director of Inspection, a Deputy Director of Inspection and an Assistant Director of Inspection;”

(d) for clause (j), the following clause shall be substituted, namely:—

“(j) “Income-tax Act” means the Income-tax Act, 1961 (43 of 1961);”

(e) after clause (l), the following clauses shall be inserted, namely:—

“(la) “Inspector of Wealth-tax” means an Inspector of Income-Tax empowered to work as an Inspector of Wealth-tax under section 11A;

(ll) “legal representative” has the meaning assigned to it in clause (11) of section 2 of the Code of Civil Procedure, 1908 (5 of 1908);”

(f) in clause (m), in sub-clause (ii), for the words “any asset in respect of which wealth-tax is not payable”, the words “any property in respect of which wealth-tax is not chargeable” shall be substituted;

(g) after clause (o), the following clauses shall be inserted, namely:—

“(oa) “public servant” has the same meaning as in section 21 of the Indian Penal Code (45 of 1860);

(ob) “regular assessment” means the assessment made under section 16;”

(h) in clause (q),—

(i) for the words, brackets and figures “clause (11) of section 2”, the word and figure “section 3” shall be substituted;

(ii) for the proviso, the following proviso shall be substituted, namely:—

“Provided that—

(i) where in the case of an assessee there are different previous years under the Income-tax Act for different sources of income, the evaluation date for the purposes of this Act shall be the last day of the last of the previous years aforesaid;

(ii) in the case of a person who is not an assessee within the meaning of the Income-tax Act, the valuation date for the purposes of this Act shall be the 31st day of March immediately preceding the assessment year;

(iii) where an assessment is made in pursuance of section 19A, the valuation date shall be the same valuation date as would have been adopted in respect of the net wealth of the deceased if he were alive.”;

(i) in clause (s), for the word and figure “section 8”, the words “this Act” shall be substituted.

3. *Amendment of section 3.*—In section 3 of the principal Act, for the words “financial year”, the words “assessment year” shall be substituted.

4. *Amendment of section 4.*—In section 4 of the principal Act,—

(a) in sub-section (1)—

(i) for the words “there shall be included, as belonging to him”, the words “there shall be included, as belonging to that individual” shall be substituted;

(ii) in clause (u)—

(A) for sub-clauses (i), (ii) and (iii), the following sub-clauses shall be substituted, namely:—

(i) by the spouse of such individual to whom such assets have been transferred by the individual, directly or indirectly, otherwise than for adequate consideration or in connection with an agreement to live apart, or

(ii) by a minor child, not being a married daughter, of such individual, to whom such assets have been transferred by the individual, directly or indirectly, otherwise than for adequate consideration, or

(iii) by a person or association of persons to whom such assets have been transferred by the individual otherwise than for adequate consideration for the immediate or deferred benefit of the individual, his or her spouse or minor child (not being a married daughter) or both, or”;

(B) the following proviso shall be inserted at the end, namely:—

“Provided that where the transfer of such assets or any part thereof is either chargeable to gift-tax under the Gift-tax Act, 1958 (18 of 1958) or is not chargeable under section 5 of that Act, for any assessment year commencing after the 31st day of March, 1964, the value of such assets or part thereof, as the case may be, shall not be included in computing the net wealth of the individual.”;

(b) for the *Explanation*, the following sub-section and *Explanation* shall be substituted, namely:—

“(6) For the purposes of this Act, the holder of an impartible estate shall be deemed to be the individual owner of all the properties comprised in the estate.

Explanation.—For the purposes of this section,—

(a) the expression “transfer” includes any disposition, settlement, trust, covenant, agreement or arrangement, and

(b) the expression “irrevocable transfer” includes a transfer of assets which, by the terms of the

instrument effecting it, is not revocable for a period exceeding six years or during the life time of the transferee, and under which the transferor derives no direct or indirect benefit, but does not include a transfer of assets if such instrument—

- (i) contains any provision for the re-transfer, directly or indirectly, of the whole or any part of the assets or income therefrom to the transferor, or
- (ii) in any way gives the transferor a right to re-assume power, directly or indirectly, over the whole or any part of the assets or income therefrom.

5. *Amendment of section 5.*—In section 5 of the principal Act,—

- (a) in sub-section (1), in clause (xvii), for the word, figures and letter "Chapter IXA", the words, brackets and figures "clause (38) of section 2" shall be substituted;
- (b) in sub-section (3),—
 - (i) for the words, brackets and figures "clause (xix) clause (xx)", the words, brackets and figures "and clause (xix)" shall be substituted;
 - (ii) in the proviso, for the words "financial year", the words "assessment year" shall be substituted.

6. *Amendment of section 6.*—In section 6 of the principal Act, in clause (ii), for the words brackets and figures "sub-section (3) of section 4", the word and figures "section 10" shall be substituted.

7. *Amendment of section 7.*—In section 7 of the principal Act,—

- (a) in sub-section (1), for the words "The value" the words "Subject to any rules made in this behalf, the value" shall be substituted;
- (b) in clause (a) of sub-section (2), for the words "the circumstances of the case may require;", the words "may be prescribed;" shall be substituted.

8. *Amendment of section 8.*—In section 8 of the principal Act, the following *Explanation* shall be inserted at the end, namely:—

"*Explanation.*—For the purposes of this section, the Income-tax Officer having jurisdiction in relation to a person who is not an assessee within the meaning of the Income-tax Act, means the Income-tax Officer of the area in which that person resides."

9. *Insertion of new section 8A.*—After section 8 of the principal Act, the following section shall be inserted, namely:—

'8A. *Power to transfer cases.*—(1) Notwithstanding anything contained in section 8, the Commissioner may, after giving the assessee a reasonable opportunity of being heard in the matter, wherever it is possible to do so, and after recording his reasons for doing so, transfer any case from one Wealth-tax Officer subordinate to him to another also subordinate to him, and the Board may similarly transfer any case from one Wealth-tax Officer to another:

Provided that nothing in this sub-section shall be deemed to require any such opportunity to be given where the transfer is from one Wealth-tax Officer to another whose offices are situated in the same city, locality or place.

(2) The transfer of a case under sub-section (1) may be made at any stage of the proceedings, and shall not render necessary the re-issue of any notice already issued by the Wealth-tax Officer from whom the case is transferred.

Explanation.—In this section, the word "case", in relation to any person whose name is specified in any

order issued thereunder, means all proceedings under this Act in respect of any year which may be pending on the date of such order, or which may have been completed on or before such date, and includes also all proceedings under this Act which may be commenced after the date of such order in respect of any year.

10. *Insertion of new section 10A.*—After section 10 of the principal Act, the following section shall be inserted, namely:—

"10A. *Directors of Inspection.*—(1) The board may empower as many persons as it thinks fit to exercise under this Act the functions of a Director of Inspection.

(2) A Director of Inspection shall perform such functions of any other Wealth-tax authority as may be assigned to him by the board."

11. *Substitution of new sections for section 12.*—For section 12 of the principal Act, the following sections shall be substituted, namely:—

"11A. *Inspector of Wealth-tax.*—A Commissioner of wealth-tax may empower any Inspector of Income-tax within the meaning of the Income-tax Act to work as an Inspector of wealth-tax under any wealth-tax authority, and when he is so empowered, he shall perform such functions in the execution of this Act as are assigned to him by the said wealth-tax authority.

12. *Control of wealth-tax authorities.*—(1) Inspecting Assistant Commissioners shall be subordinate to the Commissioner within whose jurisdiction they perform their functions and also the Director of Inspection.

(2) Wealth-tax officers shall be subordinate to the Commissioner and the Inspecting Assistant Commissioner within whose jurisdiction they perform their functions and also to the Director of Inspection.

(3) Inspectors of wealth-tax shall be subordinate to the Wealth-tax Officer or other wealth-tax authority under whom they are empowered to work and to any other wealth-tax authority to whom the said officer or other authority is subordinate.

Explanation.—For the purposes of sub-section (1), "Director of Inspection" does not include a Deputy Director of Inspection or an Assistant Director of Inspection; and for the purposes of sub-section (2) of this section and sub-section (2) of section 13, "Director of Inspection" does not include an Assistant Director of Inspection."

12. *Amendment of section 13.*—Section 13 of the principal Act shall re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Every Wealth-tax Officer employed in the execution of this Act shall observe and follow such instructions as may be issued to him for his guidance by the Director of Inspection or by the Commissioner or by the Inspecting Assistant Commissioner within whose jurisdiction he performs his functions."

13. *Insertion of new section 13A.*—After section 13 of the principal Act, the following section shall be inserted in Chapter III, namely:—

"13A. *Powers of Director of Inspection, Commissioner and Inspecting Assistant Commissioner to make enquiries.*—The Director of Inspection, the Commissioner of Wealth-tax and the Inspecting Assistant Commissioner of Wealth-tax shall be competent to make any enquiry under this Act, and for this purpose shall have all the powers that a Wealth-tax Officer has under this Act in relation to the making of enquiries."

14. *Amendment of section 14.*—In section 14 of the principal Act,—

- (a) for sub-section (1), the following sub-section shall

be substituted, namely:—

“(1) Every person if his net wealth or the net wealth of any other person in respect of which he is assessable under this Act on the valuation date was of such an amount as to render him liable to wealth-tax under this Act, shall, before the 30th day of June of the corresponding assessment year, furnish to the Wealth-tax Officer a return in the prescribed form and verified in the prescribed manner setting forth the net wealth as on that valuation date.”;

(b) in sub-section (2), for the words “the net wealth of any person is of such an amount as to render him liable to wealth tax under this Act,”, the following shall be substituted, namely:—

“any person is assessable under this Act, whether in respect of his net wealth or the net wealth of any other person.”.

15. *Insertion of new sections 15A to 15C.*—After section 15 of the principal Act, the following sections shall be inserted, namely:—

“15A. *Return by whom to be signed.*—The return made under section 14 or section 15 shall be signed and verified—

(a) in the case of an individual, by the individual himself; where the individual is absent from India, by the individual concerned or by some person duly authorised by him in this behalf; where the individual is mentally incapacitated from attending to his affairs, by his guardian or any other person competent to act on his behalf; and where for any other reason it is impossible for the individual to sign the return, by any person competent to act on his behalf;

(b) in the case of a Hindu undivided family, by the *karta*, and, where the *karta* is absent from India or is mentally incapacitated from attending to his affairs, by any other adult member of such family; and

(c) in the case of a company, by the principal officer thereof.

15B. *Self assessment.*—(1) Where a return has been furnished under section 14 or section 15 and the tax payable on the basis of that return exceeds five hundred rupees, the assessee shall pay the tax so payable within thirty days of furnishing the return.

(2) After a provisional assessment under section 15C or a regular assessment under section 16 has been made, any amount paid under sub-section (1) shall be deemed to have been paid towards the provisional assessment or regular assessment, as the case may be.

(3) If any assessee fails to pay the tax or any part thereof in accordance with the provisions of sub-section (1), he shall, unless a provisional assessment under section 15C or a regular assessment under section 16 has been made before the expiry of thirty days referred to in that sub-section, be liable, by way of penalty, to pay such amount as the Wealth-tax Officer may direct, so, however, that the amount of penalty does not exceed fifty per cent of the amount of such tax or part, as the case may be:

Provided that before levying any such penalty, the assessee shall be given a reasonable opportunity of being heard.

15C. *Provisional assessment.*—(1) The Wealth-tax Officer may, at any time after the receipt of a return made under section 14 or section 15, proceed to make, in a summary manner, a provisional assessment of the tax payable by the assessee, on the basis of his return and the accounts and documents, if any, accompanying it.

(2) After a regular assessment has been made, any amount paid towards the provisional assessment made under sub-section (1), shall be deemed to have been paid towards the regular assessment; and where the amount paid towards the provisional assessment exceeds the amount payable under the regular assessment, the excess shall be refunded to the assessee.

(3) Nothing done or suffered by reason or in consequence of any provisional assessment made under this section shall prejudice the determination, on the merits of any issue which may arise in the course of the regular assessment.

(4) There shall be no right of appeal against a provisional assessment made under sub-section (1).

(5) For the removal of doubts, it is hereby declared that the provisions of section 31 excepting sub-section (6) thereof, and section 32 shall apply in relation to any tax payable in pursuance of a provisional assessment made under this section as if it were a regular assessment under section 16.”.

16. *Amendment of section 16.*—In section 16 of the principal Act,—

(a) in sub-section (1)—

(i) for the words and figures “section 14 is complete”, the words and figures “section 14 or section 15 is correct and complete” shall be substituted;

(ii) for the words “and determine the amount payable by him as wealth-tax”, the words “and determine the amount of wealth-tax payable by him or the amount refundable to him on the basis of such return” shall be substituted;

(b) in sub-section (3)—

(i) after the words “any specified points”, the words “and after taking into account all relevant material which the Wealth-tax Officer has gathered” shall be inserted;

(ii) for the words “and determine the amount payable by him as wealth-tax”, the words “and determine the amount of wealth-tax payable by him or the amount refundable to him on the basis of such assessment” shall be substituted;

(c) in sub-section (4), after the words, brackets and figure “under sub-section (2) of that section”, the words and figures “or who has made a return under section 15” shall be inserted;

(d) in sub-section (5), for the words “shall make the assessment to the best of his judgment and determine the amount payable by the person as wealth-tax on the basis of such assessment”, the words “after taking into account all relevant material which he has gathered, shall estimate the net wealth to the best of his judgment and determine the amount of wealth-tax payable by the person or the amount refundable to him on the basis of such assessment” shall be substituted.

17. *Amendment of section 17.*—Section 17 of the principal Act shall be re-numbered as sub-section (1) thereof, and—

(a) in sub-section (1) as so re-numbered,—

(i) for clause (a), the following clause shall be substituted, namely:—

“(a) has reason to believe that by reason of the omission or failure on the part of any person to make a return under section 14 of his net wealth or the net wealth of any other person in respect of which he is assessable under this Act for any assessment year or to disclose fully and truly all material facts necessary for assessment of his net wealth or the net wealth of such other person for that year, the net

wealth chargeable to tax has escaped assessment for that year, whether by reason of under-assessment or assessment at too low a rate or otherwise; or”;

- (ii) for the words “serve on the assessee”, the words “serve on such person” shall be substituted;
(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) Nothing contained in this section limiting the time within which any proceeding for assessment or re-assessment may be commenced, shall apply to an assessment or re-assessment to be made on such person in consequence of or to give effect to any finding or direction contained in an order under section 23, 24, 25, 27 or 29:

Provided that the provisions of this sub-section shall not apply in any case where any such assessment or re-assessment relates to an assessment year in respect of which an assessment or re-assessment could not have been made at the time the order which was the subject matter of the appeal, reference or revision, as the case may be, was made by reason of any provision limiting the time within which any action for assessment or re-assessment may be taken.”

18. Substitution of new section for section 18.—For section 18 of the principal Act, the following section shall be substituted, namely:—

“18. *Penalty for failure to furnish returns, to comply with notices and concealment of assets, etc.*—(1) If the Wealth-tax Officer, Appellate Assistant Commissioner, Commissioner or Appellate Tribunal in the course of any proceedings under this Act is satisfied that any person—

- (a) has without reasonable cause failed to furnish the return which he is required to furnish under sub-section (1) of section 14 or by notice given under sub-section (2) of section 14 or section 17, or has without reasonable cause failed to furnish it within the time allowed and in the manner required by sub-section (1) of section 14 or by such notice, as the case may be; or
(b) has without reasonable cause failed to comply with a notice under sub-section (2) or sub-section (4) of section 16; or
(c) has concealed the particulars of any assets or furnished inaccurate particulars of any assets or debts;

he or it may, by order in writing, direct that such person shall pay by way of penalty—

- (i) in the cases referred to in clause (a) in addition to the amount of wealth-tax, if any, payable by him, a sum equal to two per cent of the tax for every month during which the default continued, but not exceeding in the aggregate fifty per cent of the tax;
(ii) in the cases referred to in clause (b), in addition to the amount of wealth-tax payable by him a sum which shall not be less than ten per cent but which shall not exceed fifty per cent of the amount of the tax, if any, which would have been avoided if the net wealth as returned by such person had been accepted as the correct net wealth;
(iii) in the cases referred to in clause (c) in addition to any wealth-tax payable by him, a sum which shall not be less than twenty per cent but which shall not exceed one and a half times the amount of the tax, if any, which would

have been avoided if the net wealth as returned by such person had been accepted as the correct net wealth.

Explanation.—Where the net wealth returned by any person is less than eighty per cent of the net wealth (hereinafter in this *Explanation* referred to as the correct wealth) as assessed under section 16 or section 17, such person shall, unless he proves that the failure to return the correct wealth did not arise from any fraud or any gross or wilful neglect on his part, be deemed to have concealed the particulars of assets or furnished inaccurate particulars of assets or debts for the purposes of clause (c) of this sub-section.

(2) No order shall be made under sub-section (1) unless the person concerned has been given a reasonable opportunity of being heard.

(3) Notwithstanding anything contained in clause (iii) of sub-section (1), if in a case falling under clause (c) of that sub-section, the minimum penalty imposable exceeds a sum of rupees one thousand, the Wealth-tax Officer shall refer the case to the Inspecting Assistant Commissioner who shall, for the purpose, have all the powers conferred under this section for the imposition of penalty.

(4) An Appellate Assistant Commissioner, a Commissioner or the Appellate Tribunal on making an order under this section imposing a penalty, shall forth with send a copy of the same to the Wealth-tax Officer.

(5) No order imposing a penalty under this section shall be passed after the expiration of two years from the date of the completion of the proceedings in the course of which the proceedings for the imposition of penalty have been commenced.

Explanation.—In computing the period of limitation for the purposes of this section, the time taken in giving an opportunity to the assessee to be re-heard under the proviso to section 39 and any period during which a proceeding under this section for the levy of penalty is stayed by an order or injunction of any court shall be excluded.”

19. Insertion of new section 19A.—After section 19 of the principal Act, the following section shall be inserted, namely:—

“19A. *Assessment in the case of executors.*—(1) Subject as hereinafter provided, the net wealth of the estate of a deceased person shall be chargeable to tax in the hands of the executor or executors.

(2) The executor or executors shall for the purposes of this Act be treated as an individual.

(3) The status of the executor or executors shall for the purposes of this Act as regards residence and citizenship be the same as that of the deceased on the valuation date immediately preceding his death.

(4) The assessment of an executor under this section shall be made separately from any assessment that may be made on him in respect of his own net wealth or on the net wealth of the deceased under section 19.

(5) Separate assessments shall be made under this section in respect of the net wealth as on each valuation date as is included in the period from the date of the death of the deceased to the date of complete distribution to the beneficiaries of the estate according to their several interests.

(6) In computing the net wealth on any valuation date under this section, any assets of the estate distributed to, or applied to the benefit of, any specific legatee of the estate prior to that valuation date shall be excluded, but the assets so excluded shall, to the extent such assets

are held by the legatee on any valuation date, be included in the net wealth of such specific legatee on that valuation date.

Explanation.—In this section, “executor” includes an administrator or other person administering the estate of a deceased person.”.

20. Amendment of section 21.—In section 21 of the principal Act,—

- (a) in sub-sections (1), (2) and (4), for the words “on whose behalf”, wherever they occur, the words “on whose behalf or for whose benefit” shall be substituted;
- (b) in sub-section (3),—
 - (i) the brackets and words “(all of which persons are hereinafter in this sub-section included in the term “beneficiary”)” shall be omitted;
 - (ii) for the words “on behalf of such beneficiary”, the words “on behalf or for the benefit of such beneficiary,” shall be substituted;
- (c) in sub-section (4), after the words “were an individual”, the words “who is a citizen of India and resident in India” shall be inserted;
- (d) after sub-section (4), the following sub-section and *Explanation* shall be inserted, namely:—

“(5) Any person who pays any sum by virtue of the provisions of this section in respect of the net wealth of any beneficiary, shall be entitled to recover the sum so paid from such beneficiary, and may retain out of any assets that he may hold on behalf or for the benefit of such beneficiary, an amount equal to the sum so paid.

Explanation.—In this section, the term “beneficiary” means any person including a minor, lunatic or idiot on whose behalf or for whose benefit assets are held by any other person.”.

21. Amendment of section 22.—In section 22 of the principal Act,—

- (a) the proviso to sub-section (2) shall be omitted;
- (b) after sub-section (2), the following sub-sections shall be inserted, namely:—
 - “(3) No person shall be deemed to be the agent of any person residing outside India unless he has had an opportunity of being heard by the Wealth-tax Officer as to his being treated as such.
 - (4) Any agent, who, as such, pays any sum under this Act, shall be entitled to recover the sum so paid from the person on whose behalf it is paid or to retain out of any moneys that may be in his possession or may come to him in his capacity as such agent, an amount equal to the sum so paid.
 - (5) Any agent, or any person who apprehends that he may be assessed as an agent, may retain out of any money payable by him to the person residing outside India on whose behalf he is liable to pay tax (hereinafter in this section referred to as the principal), a sum equal to his estimated liability under this section, and in the event of any disagreement between the principal and such agent or person, as to the amount to be so retained, such agent or person may secure from the Wealth-tax Officer a certificate stating the amount to be so retained pending final settlement of the liability. and the certificate so obtained shall be his warrant for retaining that amount.
 - (6) The amount recoverable from such agent or person at the time of final settlement shall not

exceed the amount specified in such certificate, except to the extent to which such agent or person may at such time have in his hands additional assets of the principal.

- (7) Notwithstanding anything contained in this section, any arrears of tax due from a person residing outside India may be recovered also in accordance with the provisions of this Act from any assets of such person which are or may at any time come within India.”.

22. Amendment of section 23.—In section 23 of the principal Act,—

- (a) in sub-section (1),—
 - (i) in clause (a), for the words “his net wealth”, the words “net wealth” shall be substituted;
 - (ii) in clause (f), after the word “under”, the words, figures and letter “section 15B or” shall be inserted;
 - (iii) in clause (f), for the words, brackets and figures “sub-section (1) of section 46”, the word and figures “section 221” shall be substituted, and the word “or” shall be inserted at the end;
 - (iv) after clause (f) the following clauses shall be inserted, namely:—
 - “(g) objecting to any order made by the Wealth-tax Officer under section 22 treating him as the agent of a person residing outside India; or
 - (h) objecting to any order of the Wealth-tax Officer under section 35 having the effect of enhancing the assessment or reducing a refund or refusing to allow the claim made by the assessee under the said section; or
 - (i) objecting to an order of the Wealth-tax Officer imposing a fine under sub-section (2) of section 37;”;
- (b) after sub-section (5), the following sub-sections shall be inserted, namely:—
 - “(5A) In disposing of an appeal, the Appellate Assistant Commissioner may consider and decide any matter arising out of the proceedings in which the order appealed against was passed, notwithstanding that such matter was not raised before the Appellate Assistant Commissioner by the appellant.
 - (5B) The order of the Appellate Assistant Commissioner disposing of the appeal shall be in writing and shall state the points for determination, the decision thereon and the reasons for the decision.”.

23. Amendment of section 24.—In section 24 of the principal Act,—

- (a) for sub-section (1), the following sub-section shall be substituted, namely:—
 - “(1) An assessee objecting to an order passed by the Appellate Assistant Commissioner under section 18 or section 23 or sub-section (2) of section 37 or to an order passed by the Inspecting Assistant Commissioner under sub-section (3) of section 18, may appeal to the Appellate Tribunal within sixty days of the date on which the order is communicated to him.”;
- (b) after sub-section (2), the following sub-section shall be inserted, namely:—
 - “(2A) The Wealth-tax Officer or the assessee, as the case may be, on receipt of notice that an appeal against the order of the Appellate Assistant Commissioner has been preferred under sub-section (1) or sub-section (2) by the

other party, may, notwithstanding that he may not have appealed against such order or any part thereof, within thirty days of the receipt of the notice, file a memorandum of cross objections, verified in the prescribed manner, against any part of the order of the Appellate Assistant Commissioner and such memorandum shall be disposed of by the Appellate Tribunal as if it were an appeal presented within the time specified in sub-section (1) or sub-section (2).";

(c) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The Appellate Tribunal may admit an appeal or permit the filing of a memorandum of cross objections after the expiry of the relevant period referred to in sub-section (1) or sub-section (2) or sub-section (2A), if it is satisfied that there was sufficient cause for not presenting it within that period.";

(d) for sub-sections (6), (7) and (8), the following sub-sections shall be substituted, namely:—

"(6) (a) Where the appellant objects to the valuation of any property, the Appellate Tribunal may, and if the appellant so requires, shall, refer the question of the disputed value to the arbitration of two valuers, one of whom shall be nominated by the appellant and the other by the respondent and the Tribunal shall, so far as that question is concerned, pass its orders under sub-section (5) conformably to the decision of the valuers:

Provided that—

- (i) where the appellant or the respondent does not nominate any valuer within the time specified by the Appellate Tribunal or within such further time as the Appellate Tribunal may allow, the Appellate Tribunal may nominate a valuer on his behalf;
 - (ii) if there is a difference of opinion between the two valuers, the matter shall be referred to a third valuer nominated by agreement, or failing agreement, by the Appellate Tribunal, and the decision of that valuer on the question of valuation shall be final;
 - (iii) where any person has at any time expressed any opinion on the valuation of any property to which the provisions of this clause apply, such person shall not be nominated as a valuer in relation to that property.
- (b) The valuers to whom a reference under clause (a) has been made by the Appellate Tribunal shall communicate their decision to the Appellate Tribunal within six months of the date of such reference or within such further time as the Tribunal may allow:

Provided that if the decision of the valuers is not communicated within the period aforesaid, the Appellate Tribunal may order that the reference, made under this sub-section shall be deemed to be withdrawn and proceed to dispose of the case on the evidence before it, including the report of either of the valuers if any such report has been submitted.

(7) The extent to which the costs of arbitration proceedings; (including a case where a reference is deemed to be withdrawn) under sub-section (6) shall be borne by the appellant or the respondent shall be at the discretion of the Appellate Tribunal.

(8) The valuers may, in disposing of any matter referred to them for arbitration under this section, hold or cause to be held such enquiry as they think fit and after

giving the appellant and the respondent an opportunity of being heard, make such decision as they think fit and shall communicate such decision in writing to the Appellate Tribunal.

(8A) The valuers appointed under this section, while acting as such, shall have all powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:—

- (i) summoning and enforcing the attendance of any person and examining him on oath;
- (ii) requiring the discovery and production of documents;
- (iii) receiving evidence on affidavit; and
- (iv) issuing commission for examination of witnesses or documents.

(8B) Nothing in the Arbitration Act, 1940 (10 of 1940) shall apply to arbitrations under this section.";

(e) in sub-section (11), for the words, brackets, figures and letter "sub-sections (5), (7) and (8) of section 5A", the words, brackets and figures "sub-sections (1), (4) and (5) of section 255" shall be substituted.

24. *Amendment of section 25.*—In section 25 of the principal Act, after sub-section (2), the following sub-sections and *Explanations* shall be inserted, namely:—

"(3) No order shall be made under sub-section (2) after the expiry of two years from the date of the order sought to be revised.

(4) Notwithstanding anything contained in sub-section (3), an order in revision under sub-section (2) may be passed at any time in the case of an order which has been passed in consequence of, or to give effect to, any finding or direction contained in an order of the Appellate Tribunal, the High Court or the Supreme Court.

Explanation.—In computing the period of limitation for the purposes of sub-section (3), the time taken in giving an opportunity to the assessee to be re-heard under the proviso to section 39 and any period during which any proceeding under this section is stayed by an order or injunction of any court shall be excluded."

25. *Amendment of section 26.*—In section 26 of the principal Act, in sub-section (1), for the words and figures "an order of enhancement made by the Commissioner under section 25", the words, figures and brackets "an order passed by the Commissioner under section 18 or sub-section (2) of section 25" shall be substituted.

26. *Amendment of section 27.*—In section 27 of the principal Act,—

(a) for sub-sections (1) and (2) the following sub-sections shall be substituted, namely:—

"(1) The assessee or the Commissioner may, within sixty days of the date upon which he is served with notice of an order under section 24 or section 26, by application in the prescribed form, accompanied, where the application is made by the assessee, by a fee of rupees one hundred, require the Appellate Tribunal to refer to the High Court any question of law arising out of such order and, subject to the other provisions contained in this section, the Appellate Tribunal shall, within one hundred and twenty days of the receipt of such application, draw up a statement of the case and refer it to the High Court.

(2) The Appellate Tribunal may, if it is satisfied that the applicant was prevented by sufficient cause from presenting the application within the period specified in sub-section (1), allow it to be present-

ed within a further period not exceeding thirty days.”;

(b) in sub-section (3), for the words “three months” the words “ninety days” shall be substituted;

(c) after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) If, on an application made under this section the Appellate Tribunal is of the opinion that, on account of a conflict in the decisions of the High Courts in respect of any particular question of law, it is expedient that a reference should be made direct to the Supreme Court, the Appellate Tribunal may draw up a statement of the case and refer it through its President direct to the Supreme Court.”;

(d) in sub-sections (4), (5) and (6), after the words “High Court”, the words “or the Supreme Court” shall be inserted;

(e) for sub-sections (7), (8) and (9), the following sub-section shall be substituted, namely:—

“(7) The costs of any reference to the High Court or the Supreme Court which shall not include the fee for making the reference, shall be in the discretion of the Court.”.

27. Insertion of new sections 29A and 29B.—After section 29 of the principal Act, the following sections shall be inserted in Chapter VI, namely:—

29A. Tax to be paid notwithstanding reference, etc.—Notwithstanding that a reference has been made to the High Court or the Supreme Court, or an appeal has been preferred to the Supreme Court, wealth-tax shall be payable in accordance with the assessment made in the case.

29B. Definition of High Court.—In this Chapter, “High Court” means—

- (i) in relation to any State, the High Court of that State;
- (ii) in relation to the Union territories of Delhi and Himachal Pradesh, the High Court of Punjab;
- (iii) in relation to the Union territories of Manipur and Tripura, the High Court of Assam;
- (iv) in relation to the Union territory of Andaman and Nicobar Islands, the High Court at Calcutta;
- (v) in relation to the Union territory of Laccadive, Minicoy and Amindivi Islands, the High Court of Kerala;
- (vi) in relation to the Union territories of Dadra and Nagar Haveli and Goa, Daman and Diu, the High Court at Bombay;
- (vii) in relation to the Union territory of Pondicherry, the High Court at Madras.”.

28. Substitution of new sections for sections 30, 31 and 32.—For sections 30, 31 and 32 of the principal Act, the following sections shall be substituted, namely:—

30. Notice of demand.—When any tax, interest, penalty, fine or any other sum is payable in consequence of any order passed under this Act, the Wealth-tax Officer shall serve upon the assessee a notice of demand in the prescribed form specifying the sum so payable.

31. When tax, etc., payable and when assessee deemed in default.—(1) Any amount specified as payable in a notice of demand under section 30 shall be paid within thirty-five days of the service of the notice at the place and to the person mentioned in the notice:

Provided that, where the Wealth-tax Officer has any reason to believe that it will be detrimental to revenue if the full period of thirty-five days aforesaid is allowed, he

may, with the previous approval of the Inspecting Assistant Commissioner, direct that the sum specified in the notice of demand shall be paid within such period being a period less than the period of thirty-five days aforesaid, as may be specified by him in the notice of demand.

(2) If the amount specified in any notice of demand under section 30 is not paid within the period limited under sub-section (1), the assessee shall be liable to pay simple interest at four per cent per annum from the day commencing after the end of the period mentioned in sub-section (1):

Provided that where as a result of an order under section 23, or section 24, or section 25, or section 26, or section 27, or section 29, or section 35, the amount on which interest was payable under this section had been reduced, the interest shall be reduced accordingly and the excess interest paid, if any, shall be refunded.

(3) Without prejudice to the provisions contained in sub-section (2), on an application made by the assessee before the expiry of the due date under sub-section (1), the Wealth-tax Officer may extend the time for payment or allow payment by instalments, subject to such conditions as he may think fit to impose in the circumstances of the case.

(4) If the amount is not paid within the time limited under sub-section (1) or extended under sub-section (3), as the case may be, at the place and to the person mentioned in the said notice, the assessee shall be deemed to be in default.

(5) If in a case where payment by instalments is allowed under sub-section (3), the assessee commits default in paying any one of the instalments within the time fixed under that sub-section, the assessee shall be deemed to be in default as to the whole of the amount then outstanding, and the other instalment or instalments shall be deemed to have been due on the same date as the instalment actually in default.

(6) Where an assessee has presented an appeal under section 23, the Wealth-tax Officer may, in his discretion, and subject to such conditions, as he may think fit to impose in the circumstances of the case, treat the assessee as not being in default in respect of the amount in dispute in the appeal, even though the time for payment has expired, as long as such appeal remains undisposed of.

(7) Where an assessee has been assessed in respect of assets located in a country outside India, the laws of which prohibit or restrict the remittance of money to India, the Wealth-tax Officer shall not treat the assessee as in default in respect of that part of the tax which is attributable to those assets, and shall continue to treat the assessee as not in default in respect of that part of the tax until the prohibition or restriction of remittance is removed.

32. Mode of recovery.—The provisions contained in sections 221 to 227, 229, 231 and 232 of the Income-tax Act and the Second and Third Schedules to that Act and any rules made thereunder shall, so far as may be, apply as if the said provisions were provisions of this Act and referred to wealth-tax and sums imposed by way of penalty, fine and interest under this Act instead of to income-tax and sums imposed by way of penalty, fine and interest under that Act and to Wealth-tax Officer and Commissioner of Wealth-tax instead of to Income-tax Officer and Commissioner of Income-tax.

Explanation 1.—Any reference to section 173 and sub-section (2) or sub-section (6) or sub-section (7) of section 220 of the Income-tax Act in the said provisions of that Act or the rules made thereunder shall be construed as

references to sub-section (7) of section 22 and sub-section (2) or sub-section (6) or sub-section (7) of section 31 of this Act respectively.

Explanation II.—The Tax Recovery Officer and the Tax Recovery Commissioner referred to in the Income-tax Act or the rules made thereunder shall be deemed to be the Tax Recovery Officer and the Tax Recovery Commissioner for the purposes of recovery of wealth-tax and sums imposed by way of penalty, fine and interest under this Act."

29. *Omission of section 34.*—Section 34 shall be omitted.

30. *Insertion of new Chapter VIIA.*—After Chapter VII of the principal Act, the following Chapter shall be inserted, namely:—

"CHAPTER VIIA

REFUNDS

34A. *Refunds.*—(1) Where, as a result of any order passed in appeal or other proceeding (including a rectification proceeding) under this Act, refund of any amount becomes due to the assessee, the Wealth-tax Officer shall, except as otherwise provided in this Act, refund the amount to the assessee without his having to make any claim in that behalf.

(2) Where an order giving rise to a refund is the subject matter of an appeal or further proceeding or where any other proceeding under this Act is pending and the Wealth-tax Officer is of the opinion that the grant of the refund is likely to adversely affect the revenue, the Wealth-tax Officer may, with the previous approval of the Commissioner, withhold the refund till such time as the Commissioner may determine.

(3) Where a refund is due to the assessee in pursuance of an order referred to in sub-section (1) and the Wealth-tax Officer does not grant the refund within a period of six months from the date of such order, the Central Government shall pay to the assessee simple interest at four per cent per annum on the amount of refund due from the date immediately following the expiry of the period of six months aforesaid to the date on which the refund is granted.

(4) Where a refund is withheld under the provisions of sub-section (2), the Central Government shall pay interest at the aforesaid rate on the amount of refund ultimately determined to be due as a result of the appeal or further proceeding for the period commencing after the expiry of six months from the date of the order referred to in that sub-section to the date the refund is granted.

(5) Where under any of the provisions of this act, a refund is found to be due to any person, the Wealth-tax Officer, Appellate Assistant Commissioner or Commissioner, as the case may be, may, in lieu of payment of the refund, set off the amount to be refunded or any part of that amount, against the sum, if any, remaining payable under this Act by the person to whom the refund is due, after giving an intimation in writing to such person of the action proposed to be taken under this section."

31. *Insertion of new section 34B.*—In Chapter VIII of the principal Act, the following section shall be inserted before section 35, namely:—

"34B. *Transfers to defraud revenue void.*—Where, during the pendency of any proceeding under this Act, any assessee creates a charge on or parts with the possession by way of sale, mortgage, exchange or any other mode of transfer whatsoever, of any of his assets in favour of

any other person with the intention to defraud the revenue, such charge or transfer shall be void as against any claim in respect of any tax or any other sum payable by the assessee as a result of the completion of the said proceeding:

Provided that such charge or transfer shall not be void if made for valuable consideration and without notice of the pendency of the proceeding under this Act."

32. *Substitution of new section for section 35.*—For section 35 of the principal act, the following section shall be substituted, namely:—

"35. *Rectification of mistakes.*—(1) With a view to rectifying any mistake apparent from the record—

- (a) the Wealth-tax Officer may amend any order of assessment or of refund or any other order passed by him;
- (b) the Appellate Assistant Commissioner may amend any order passed by him under section 18 or under section 23;
- (c) the Inspecting Assistant Commissioner may amend any order passed by him under section 18;
- (d) the Commissioner may amend any order passed by him under section 18 or under section 25;
- (e) the Appellate Tribunal may amend any order passed by it under section 18 or under section 24.

(2) Where the amount of tax, penalty or interest determined as a result of the first appeal or revision against the order referred to in sub-clause (iii) of clause (m) of section 2 is paid within six months of the date of the order passed in such appeal or revision, the Wealth-tax Officer may, notwithstanding anything to the contrary in this Act, rectify the assessment by allowing a deduction to the extent the tax, penalty or interest so paid stood disallowed therein as if such rectification were rectification of a mistake apparent from the record.

(3) Subject to the other provisions of this section, the authority concerned—

- (a) may make an amendment under sub-section (1) or sub-section (2) of its own motion; and
- (b) shall make such amendment for rectifying any such mistake which has been brought to its notice by the assessee, and where the authority concerned is the Appellate Assistant Commissioner or the Appellate Tribunal, by the Wealth-tax Officer also.

(4) An amendment, which has the effect of enhancing an assessment or reducing a refund or otherwise increasing the liability of the assessee, shall not be made under this section unless the authority concerned has given notice to the assessee of its intention so to do and has allowed the assessee a reasonable opportunity of being heard.

(5) Where an amendment is made under this section, an order shall be passed in writing by the wealth-tax, authority concerned or the Tribunal, as the case may be.

(6) Where any such amendment has the effect of enhancing the assessment or reducing a refund already made, the Wealth-tax Officer shall serve on the assessee a notice of demand in the prescribed form specifying the sum payable, and such notice of demand shall be deemed to be issued under section 30 and the provisions of this Act shall apply accordingly.

(7) No amendment under this section shall be made after the expiry of four years—

- (a) in the case of an amendment under sub-section (2),

from the date of the order passed in the first appeal or revision referred to in that sub-section; and

(b) in any other case, from the date of the order sought to be amended.

(8) Where any matter has been considered and decided in a proceeding by way of an appeal or revision relating to an order referred to in sub-section (1), the authority passing such order may, notwithstanding anything contained in any other law for the time being in force, amend the order under this section in relation to any matter other than the matter which has been so considered and decided."

33. Amendment of section 36.—In section 36 of the principal Act,—

(a) in sub-section (1), the words "on conviction before a magistrate," shall be omitted;

(b) in sub-section (2), for the words "punishable with simple imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both", the following words and proviso shall be substituted, namely:—
"punishable with rigorous imprisonment for a term which may extend to two years:

Provided that in the absence of special and adequate reasons to the contrary to be recorded in the judgment of the court, such imprisonment shall not be for less than six months."

(c) after sub-section (2), the following sub-section and proviso shall be inserted, namely:—

“(2A) if a person abets or induces in any manner another person to make and deliver an account, statement or declaration relating to the particulars of any net wealth chargeable to tax which is false and which he either knows to be false or does not believe to be true, he shall be punishable with rigorous imprisonment for a term which may extend to two years:

Provided that in the absence of special and adequate reasons to the contrary to be recorded in the judgment of the court, such imprisonment shall not be for less than six months."

(d) for the *Explanation*, the following sub-section shall be substituted, namely:—

“(5) No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence under this Act."

34. Insertion of new section 36A.—After section 36 of the principal Act, the following section shall be inserted, namely:—

“36A. *Power to tender immunity from prosecution.*—

(1) The Central Government may, if it is of opinion (the reasons for such opinion being recorded in writing) that with a view to obtaining the evidence of any person appearing to have been directly or indirectly concerned in or privy to the concealment of particulars of net wealth or to the evasion of payment of tax on net wealth, it is necessary or expedient so to do, tender to such person immunity from prosecution for any offence under this Act or under the Indian Penal Code (45 of 1860) or under any other Central Act, for the time being in force and also from the imposition of any penalty under this Act on condition of his making a full and true disclosure of the whole circumstances relating to the concealment of particulars of net wealth or evasion of payment of tax on net wealth.

(2) A tender of immunity made to, and accepted by, the person concerned, shall to the extent to which the immunity extends, render him immune from prosecution for any offence in respect of which the tender was made or from the imposition of any penalty under this Act.

(3) If it appears to the Central Government that any person to whom immunity has been tendered under this section has not complied with the condition on which the tender was made or is wilfully concealing anything or is giving false evidence, the Central Government may record a finding to that effect, and thereupon the immunity shall be deemed to have been withdrawn, and any such person may be tried for the offence in respect of which the tender of immunity was made or for any other offence of which he appears to have been guilty in connection with the same matter and shall also become liable to the imposition of any penalty under this Act to which he would otherwise have been liable."

35. Substitution of new section for section 37.—For section 37 of the principal Act, the following section shall be substituted, namely:—

“37. *Power to take evidence on oath, etc.*—(1) The Wealth-tax Officer, Appellate Assistant Commissioner, Commissioner and the Appellate Tribunal shall, for the purposes of this Act, have the same powers as are vested in a court under the Code of Civil Procedure, 1908 (5 of 1908), when trying a suit in respect of the following matters, namely:—

(a) discovery and inspection;

(b) enforcing the attendance of any person, including any officer of a banking company and examining him on oath;

(c) compelling the production of books of account and other documents; and

(d) issuing commissions.

(2) Without prejudice to the provisions of any other law for the time being in force, where a person to whom a summons is issued either to attend to give evidence or produce books of account or other documents at a certain place and time intentionally omits to attend or produce the books of account or documents at the place or time, the authority empowered to issue such summons may impose upon him such fine not exceeding five hundred rupees, as it thinks fit, and the fine so levied may be recovered in the manner provided in Chapter VII of this Act.

(3) Subject to any rules made in this behalf, any authority referred to in sub-section (1) may impound and retain in its custody for such period as it thinks fit any books of account or other documents produced before it in any proceeding under this Act:

Provided that a Wealth tax Officer shall not—

(a) impound any books of account or other documents without recording his reasons for so doing, or

(b) retain in this custody any such books or documents for a period exceeding fifteen days (exclusive of holidays) without obtaining the approval of the Commissioner therefor.

(4) Any proceeding under this Act before a wealth-tax authority or the tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196, of the Indian Penal Code (45 of 1860)."

36. Insertion of new section 37A.—After section 37 of the principal Act, the following section shall be inserted, namely:—

"37A. *Power of search and seizure.*—(1) Where the Commissioner, in consequence of information in his possession, has reason to believe that—

- (a) any person to whom a notice under sub-section (4) of section 16 or a summons under section 37 was issued to produce, or cause to be produced, any books of account or other documents, has omitted or failed to produce, or cause to be produced, such books of account or other documents as required by such notice or summons, or
- (b) any person to whom a notice or summons as aforesaid has been or might be issued will not, or would not, produce or cause to be produced any books of account or other documents which will be useful for, or relevant to, any proceeding under this Act, or
- (c) any person is in possession of any articles or things including money disproportionate to his known assets, particulars of which will be useful for, or relevant to, any proceeding under this Act,

he may authorise any Inspecting Assistant Commissioner or any Wealth-tax Officer to enter and search, with such assistance as he may deem necessary, any building or place where he has reason to suspect that such books of account, other documents, articles or things including money are kept and if as a result of the search such books of account, other documents, articles or things including money are found, the Inspecting Assistant Commissioner or the Wealth-tax Officer, as the case may be, may—

- (i) seize any such books of account or other documents;
- (ii) place marks of identification on any such books of account or other documents or make or cause to be made extracts or copies therefrom;
- (iii) make a note or an inventory of any articles or things including money found which, in his opinion, will be useful for, or relevant to, any proceeding under this Act.

(2) The books of account or other documents seized under sub-section (1) shall not be retained by the Inspecting Assistant Commissioner or the Wealth-tax Officer for a period exceeding one hundred and eighty days from the date of the seizure unless the reasons for retaining the same are recorded by him in writing and the approval of the Commissioner for such retention is obtained:

Provided that the Commissioner shall not authorise the retention of the books of account and other documents for a period exceeding thirty days after all the proceedings under this Act in respect of the years for which the books of account or other documents are relevant are completed.

(3) The person from whose custody any books of account or other documents are seized under sub-section (1) may make copies thereof, or take extracts therefrom, in the presence of the Wealth-tax Officer or any other person authorised by him, at such place and time as the Wealth-tax Officer may appoint in this behalf.

(4) If a person legally entitled to the books of account or other documents seized under sub-section (1) objects for any reason to the approval given by the Commissioner under sub-section (2), he may make an application to the Board stating therein the reasons for such objection and requesting for the return of the books of account or documents.

On receipt of the application under sub-section (4), and may, after giving the applicant an opportunity to be heard, pass such orders as it thinks fit.

(6) The provisions of the Code of Criminal Procedure, 1898 (5 of 1898) relating to searches shall apply, so far as may be, to searches under sub-section (1) of this section.

(7) The Board may make rules in relation to searches under this section."

37. *Amendment of section 39.*—To section 39 of the principal Act, the following proviso shall be added, namely:—

"Provided that the assessee concerned may demand that before the proceeding is so continued the previous proceeding or any part thereof be re-opened or that before any order of assessment is passed against him, he be re-heard."

38. *Amendment of section 41.*—In section 41 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) After a finding of total partition has been recorded by the Wealth-tax Officer under section 20 in respect of any Hindu family, notices under this Act in respect of the net wealth of the Hindu family shall be served on the person who was the last manager of the Hindu family, or, if such person is dead, then on all surviving adults who were members of the Hindu family immediately before the partition."

39. *Substitution of new sections for section 44.*—For section 44 of the principal Act, the following sections shall be substituted, namely:—

'44. *Appearance before wealth-tax authorities by authorised representatives.*—(1) Any assessee who is entitled to or required to attend before any wealth-tax authority or the Appellate Tribunal in connection with any proceeding under this Act, except where he is required under this Act to attend in person, may attend by a person who would be entitled to represent him before any income-tax authority or the Appellate Tribunal under section 288 of the Income-tax Act.

(2) Notwithstanding anything in sub-section (1)—

(i) no person who has been convicted of an offence connected with any wealth-tax proceeding or on whom a penalty has been imposed under this Act other than a penalty imposed on him under clause (i) or clause (ii) of sub-section (1) of section 18 shall be qualified to represent an assessee under sub-section (1) for such time as the Commissioner may by order determine;

(ii) if any person who is not a legal practitioner or a chartered accountant, is found guilty of misconduct in connection with any wealth-tax proceeding by the prescribed authority, the prescribed authority may direct that he shall thenceforth be disqualified to represent an assessee under sub-section (1);

(iii) no person not qualified to represent an assessee under the Indian Income-tax Act, 1922 (11 of 1922), the Estate Duty Act, 1953 (34 of 1953), the Expenditure-tax Act, 1957 (29 of 1957), or the Gift-tax Act, 1958 (18 of 1953), shall be entitled to appear on behalf of any assessee under this Act:

Provided that any order or direction under clause (i) or clause (ii) shall be subject to the following conditions, namely:—

(a) no such order or direction shall be made in respect of any person unless he has been given a reasonable opportunity of being heard;

(b) any person against whom any such order or direction is made may within one month of the making of the order or direction, appeal to the Board to have the order or direction cancelled; and

(c) no such order or direction shall take effect until the expiration of one month from the making thereof, or, where an appeal has been preferred, until the disposal of the appeal.

44A. *Agreement for avoidance or relief of double taxation with respect to wealth-tax.*—The Central Government may enter into any agreement with the Government of any reciprocating country for the avoidance or relief of double taxation with respect to wealth-tax payable under this Act and under the corresponding law in force in the reciprocating country and may, by notification in the Official Gazette, make such provision as may be necessary for implementing the agreement.

Explanation.—The expression “reciprocating country” for the purposes of this Act means any country which the Central Government may, by notification in the Official Gazette, declare to be a reciprocating country.

44B. *Countries with which no agreement exists.*—Where the net wealth of any assessee includes any foreign wealth and he proves that, in respect of such foreign wealth, he has paid in any country, with which there is no reciprocal arrangement under section 44A for the relief or avoidance of double taxation, a tax in respect of wealth, under the law in force in that country, he shall be entitled to the deduction from the Indian wealth-tax payable by him of a sum calculated on such doubly taxed foreign wealth at the Indian rate of tax or the rate of tax of the said country, whichever is the lower, or at the Indian rate of tax if both the rates are equal.

Explanation.—In this section—

- (1) the expression “Indian wealth-tax” means wealth-tax charged in accordance with the provisions of this Act;
- (2) the expression “Indian rate of tax” means the rate determined by dividing the amount of Indian wealth-tax after deduction of any relief due under the provisions of this Act but before the deduction of any relief due under this section by the net wealth;
- (3) the expression “rate of tax of the said country” means any tax in respect of wealth, actually paid in the said country, in accordance with the corresponding laws in force in the said country after deduction of all relief due, but before deduction of any relief due in the said country in respect of double taxation, divided by the whole amount of the wealth assessed in the said country; and
- (4) the expression “foreign wealth” in relation to any assessee means the value of all his assets located in any country outside India as reduced by the value of his debts in that country.

40. *Amendment of section 46.*—In section 46 of the principal Act, for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) The Central Government shall cause every rule made under this Act to be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only

in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

41. *Amendment of the Schedule.*—In Part II of the Schedule to the principal Act, for the words, figures, brackets and letters, “sections 8, 9, 10 and 12 of the Income-tax Act but without deducting the allowances referred to in paragraph (b) of the proviso to clause (vii) of sub-section (2) of section 10, sub-clause (via) and sub-clause (vii) of sub-section (2) of section 10”, the words, figures, letters and brackets “Chapter IV of the Income-tax Act other than the provisions under heads of income ‘A—Salaries’ and ‘E—Capital Gains’ thereof, but without deducting the allowances referred to in sub-section (2) of section 32, section 33 and section 34” shall be substituted.

Assented to on 24-12-1964.

THE ESSENTIAL COMMODITIES (AMENDMENT) ACT, 1964

(Act No. 47 of 1964)

AN
ACT

further to amend the Essential Commodities Act, 1955 and the Criminal Law Amendment Act, 1952.

Be it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. *Short title, commencement and duration.*—(1) This Act may be called the Essential Commodities (Amendment) Act, 1964.

(2) It shall be deemed to have come into force on the 5th day of November, 1964.

(3) It shall cease to have effect on the 31st day of December, 1966, save as respects things done or omitted to be done before such cesser and section 6 of the General Clauses Act, 1897 (10 of 1897), shall apply upon such cesser as if it had then been repealed by a Central Act.

2. *Insertion of new section 12A in Act 10 of 1955.*—In the Essential Commodities Act, 1955, after section 12, the following section shall be inserted, namely:—

“12A. *Power to try summarily.*—(1) If the Central Government is of opinion that a situation has arisen where, in the interests of production, supply or distribution of any essential commodity or trade or commerce therein and other relevant considerations, it is necessary that the contravention of any order made under section 3 in relation to such essential commodity should be tried summarily, the Central Government may, by notification in the Official Gazette, specify such order to be a special order for purposes of summary trial under this section, and every such notification shall be laid, as soon as may be after it is issued, before both Houses of Parliament.

(2) Where any notification issued under sub-section (1) in relation to a special order is in force, then, notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), all offences relating to the contravention of such special order shall be tried in a summary way and by a magistrate of the first class specially empowered in this behalf by the State Government or by a presidency magistrate, and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial;

Provided that, in the case of any conviction in a sum-

mary trial under this section, it shall be lawful for the magistrate to pass a sentence of imprisonment for a term not exceeding one year.

- (3) Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1898 (5 of 1898), there shall be no appeal by a convicted person in any case tried summarily under this section in which the magistrate passes a sentence of imprisonment not exceeding one month, or of fine not exceeding two thousand rupees, or both, whether or not any order of forfeiture of property or an order under section 517 of the said Code is made in addition to such sentence, but an appeal shall lie where any sentence of imprisonment or fine in excess of the aforesaid limits is passed by the magistrate.
- (4) Where any notification is issued under sub-section (1) in relation to a special order, all cases relating to the contravention of such special order and pending on the date of the issue of such notification shall, if no witnesses have been examined before the said date, be tried in a summary way under this section, and if any such case is pending before a magistrate who is not competent to try the same in a summary way under this section, it shall be forwarded to a magistrate so competent."
3. *Insertion of new section 8A in Act 46 of 1952.*—In the Criminal Law Amendment Act, 1952, after section 8, the following section shall be inserted, namely:—

"8A. *Power to try summarily.*—(1) Where a special Judge tries any offence specified in sub-section (1) of section 6 alleged to have been committed by a public servant in relation to the contravention of any special order referred to in section 12A of the Essential Commodities Act, 1955 (10 of 1955), then, notwithstanding anything contained in sub-section (1) of section 8 of this Act or section 260 of the Code of Criminal Procedure, 1898 (5 of 1898), the special Judge shall try the offence in a summary way, and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial:

Provided that, in the case of any conviction in a summary trial under this section, it shall be lawful for the special Judge to pass a sentence of imprisonment for a term not exceeding one year.

(2) Notwithstanding anything to the contrary contained in this Act or in the Code of Criminal Procedure, 1898 (5 of 1898), there shall be no appeal by a convicted person in any case tried summarily under this section in which the special Judge passes a sentence of imprisonment not exceeding one month, or of fine not exceeding two thousand rupees, or both, whether or not any order under section 517 of the said Code is made in addition to such sentence, but an appeal shall lie where any sentence of imprisonment or fine in excess of the aforesaid limits is passed by the special Judge.

(3) Where any notification is issued under sub-section (1) of section 12A of the Essential Commodities Act, 1955 (10 of 1955), in relation to a special order, all cases triable summarily under this section in relation to such special order and pending on the date of the issue of such notification shall, if no witnesses have been examined before the said date, be tried by the special Judge in a summary way under this section."

4. *Repeal.*—(1) The Essential Commodities (Amendment) Ordinance, 1964 (3 of 1964), is hereby repealed.
- (2) Notwithstanding such repeal, anything done or

any action taken under section 12A of the Essential Commodities Act, 1955 (10 of 1955), or section 8A of the Criminal Law Amendment Act, 1952 (46 of 1952), as inserted by the said Ordinance, shall be deemed to have been done or taken under those sections as inserted by this Act.

Assented to on 2-12-1964.

THE OFFICIAL TRUSTEES (AMENDMENT) ACT, 1964

(ACT No. 48 OF 1964)

AN
ACT

to amend the Official Trustees Act 1913.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Official Trustees (Amendment) Act, 1964.

2. *Omission of Preamble.*—In the Official Trustees Act, 1913, (2 of 1913), (hereinafter referred to as the principal Act), the Preamble shall be omitted.

3. *Amendment of section 2.*—In section 2 of the principal Act, clause (2) shall be omitted.

4. *Insertion of new section 3.*—In Part I of the principal Act, after section 2, the following section shall be inserted, namely:—

"3. *Extent of jurisdiction of High Court.*—The High Court shall, in respect of proceedings instituted by or against the Official Trustee under this Act or the Indian Trusts Act, 1882 (2 of 1882), be a competent Court throughout the territories in relation to which it exercises civil appellate jurisdiction:

Provided that nothing in this section shall be construed as affecting the jurisdiction of any district court."

5. *Amendment of section 4.*—For sub-section (2) of section 4 of the principal Act, the following sub-section shall be substituted, namely:—

"(2) No person shall be appointed to the office of Official Trustee unless he has been for at least—

- (a) seven years, an advocate; or
- (b) seven years, an attorney of a High Court; or
- (c) ten years, a member of the judicial service of State; or
- (d) five years, a Deputy Official Trustee."

6. *Amendment of section 5.*—Section 5 of the principal Act shall be re-numbered as sub-section (1) of that section, and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) No person shall be appointed as a Deputy unless he has been for at least three years—

- (a) an advocate; or
- (b) an attorney of a High Court; or
- (c) a member of the judicial service of a State."

7. *Amendment of section 10.*—In sub-section (3) of section 10 of the principal Act, the words and figures "the Trustees' and Mortgagees' Powers Act, 1866 (28 of 1866), or" shall be omitted.

8. *Amendment of section 12.*—In sub-section (1) of section 12 of the principal Act, for the word "infant", the word "minor" shall be substituted.

9. *Amendment of section 13.*—In sub-section (2) of section 13 of the principal Act,—

- (a) the words "or Deputy Official Trustee" shall be omitted;
- (b) for the words "the Official Trustee's personal

knowledge", the words "his personal knowledge" shall be substituted.

10. *Amendment of section 15.*—In section 15 of the principal Act, the words "revenues of the", wherever they occur, shall be omitted.

11. *Amendment of section 17.*—In section 17 of the principal Act,—

- (a) the proviso to sub-section (1) shall be omitted;
- (b) in sub-section (2), the words "the revenues of" shall be omitted.

12. *Amendment of section 19.*—In section 19 of the principal Act, for clause (a) of sub-section (2), the following clause shall be substituted, namely:—

- "(a) whether the accounts have been audited in the prescribed manner, and whether, so far as can be ascertained by such audit, the accounts contain a full and true account of every thing which ought to be contained therein;"

13. *Amendment of section 25.*—In section 25 of the principal Act, for the word "interest", the word "income" shall be substituted.

14. *Amendment of section 30.*—In section 30 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

- "(4) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

Assented to on 25-12-1964.

THE PREVENTION OF FOOD ADULTERATION (AMENDMENT) ACT, 1964

(ACT No. 49 OF 1964)

AN
ACT

further to amend the Prevention of Food Adulteration Act, 1954.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Prevention of Food Adulteration (Amendment) Act, 1964.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*—In section 2 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), (hereinafter referred to as the principal Act), in clause (vii) and in sub-clause (2) of clause (viii), for the words "the State Government", the words "the Central Government or the State Government" shall be substituted.

3. *Amendment of section 3.*—In section 3 of the principal Act,—

- (i) in sub-section (2),—
- (a) for clause (d), the following clause shall be substituted,

tuted, namely:—

"(d) one representative each of the Departments of Food and Agriculture in the Central Ministry of Food and Agriculture and one representative each of the Central Ministries of Commerce, Defence, Industry and Supply and Railways, nominated by the Central Government;"

(b) for clause (g), the following clause shall be substituted, namely:—

"(g) two representatives nominated by the Central Government to represent the agricultural, commercial and industrial interests;"

(c) after clause (h), the following clause shall be inserted, namely:—

"(i) one representative nominated by the Indian Standards Institution referred to in clause (e) of section 2 of the Indian Standards Institution (Certification Marks) Act, 1952 (36 of 1952).";

(ii) in sub-section (3), for the brackets, letters and word "(g) and (h)", the brackets, letters and word "(g), (h) and (i)" shall be substituted.

4. *Amendment of section 7.*—In section 7 of the principal Act, in clause (iv), for the words "with a view to preventing the outbreak or spread of infectious diseases", the words "in the interest of public health" shall be substituted.

5. *Substitution of new sections for sections 8 and 9.*—For sections 8 and 9 of the principal Act, the following sections shall be substituted, namely:—

"8. *Public Analysts.*—The Central Government or the State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications to the public analysts for such local areas as may be assigned to them by the Central Government or the State Government, as the case may be:

Provided that no person who has any financial interest in the manufacture, import or sale of any article of food shall be appointed to be a public analyst under this section.

9. *Food Inspectors.*—(1) The Central Government or the State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit, having the prescribed qualifications to be food inspectors for such local areas as may be assigned to them by the Central Government or the State Government, as the case may be:

Provided that no person who has any financial interest in the manufacture, import or sale of any article of food shall be appointed to be a food inspector under this section.

(2) Every food inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (45 of 1868) and shall be officially subordinate to such authority as the Government appointing him, may specify in this behalf."

6. *Amendment of section 10.*—In section 10 of the principal Act,—

(i) in clause (c) of sub-section (1), for the words "with a view to preventing the outbreak or spread of any infectious disease", the words "in the interest of public health" shall be substituted;

(ii) in sub-section (4), the following proviso shall be inserted, namely:—

"Provided that where the food inspector keeps such article in the safe custody of the vendor he may require the vendor to execute a bond for a sum of money equal to the value of such article with

one or more sureties as the food inspector deems fit and the vendor shall execute the bond accordingly.”;

- (iii) in sub-section (7) for the words “as far as possible, call not less than two persons to be present at the time when such action is taken and take their signatures”, the words “call one or more persons to be present at the time when such action is taken and take his or their signatures” shall be substituted.

7. *Substitution of new sections for section 14.*—For section 14 of the principal Act, the following sections shall be substituted, namely:—

“14. *Manufacturers, distributors and dealers to give warranty.*—No manufacturer, distributor or dealer of any article of food shall sell such article to any vendor unless he also gives a warranty in writing in the prescribed form about the nature and quality of such article to the vendor.

Explanation.—In this section, in sub-section (2) of section 19 and in section 20A, the expression “distributor” shall include a commission agent.

14A. *Vendor to disclose the name, etc., of the person from whom the article of food was purchased.*—Every vendor of an article of food shall, if so required, disclose to the food inspector the name, address and other particulars of the person from whom he purchased the article of food.”.

8. *Amendment of section 15.*—In section 15 of the principal Act, for the words “The State Government”, the words “The Central Government or the State Government” shall be substituted.

9. *Amendment of section 16.*—For sub-section (1) of section 16 of the principal Act, the following sub-sections shall be substituted, namely:—

“(1) If any person—

- (a) whether by himself or by any other person on his behalf imports into India or manufactures for sale, or stores, sells or distributes any article of food—
 - (i) which is adulterated or misbranded or the sale of which is prohibited by the Food (Health) authority in the interest of public health;
 - (ii) other than an article of food referred to in sub-clause (i), in contravention of any of the provisions of this Act or of any rule made thereunder; or
- (b) prevents a food inspector from taking a sample as authorised by this Act; or
- (c) prevents a food inspector from exercising any other power conferred on him by or under this Act; or
- (d) being a manufacturer of an article of food, has in his possession, or in any of the premises occupied by him, any material which may be employed for the purpose of adulteration; or
- (e) uses any report or certificate of a test or analysis made by the Director of the Central Food Laboratory or by a public analyst or any extract thereof for the purpose of advertising any article of food; or
- (f) whether by himself or by any other person on his behalf gives to the vendor a false warranty in writing in respect of any article of food sold by him,

he shall, in addition to the penalty to which he may be liable under the provisions of section 6, be punishable with imprisonment for a term which shall not be less than six months but which may extend to six years, and with fine

which shall not be less than one thousand rupees:

Provided that—

- (i) if the offence is under sub-clause (i) of clause (a) and is with respect to an article of food which is adulterated under sub-clause (l) of clause (i) of section 2 or misbranded under sub-clause (k) of clause (ix) of that section; or
- (ii) if the offence is under sub-clause (ii) of clause (a), the court may for any adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months or of fine of less than one thousand rupees or of both imprisonment for a term of less than six months and fine of less than one thousand rupees.

(1A) If any person in whose safe custody any article of food has been kept under sub-section (4) of section 10, tampers or in any other manner interferes with such article, he shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine which shall not be less than one thousand rupees.

(1B) If any person in whose safe custody any article of food has been kept under sub-section (4) of section 10, sells or distributes such article and such article is found by the magistrate before whom it is produced, to be adulterated with any poisonous or other ingredient under sub-clause (h) of clause (i) of section 2, then, notwithstanding anything contained in sub-section (1A), he shall be punishable with imprisonment for a term of six years and with fine which shall not be less than one thousand rupees.

(1C) If any person contravenes the provisions of section 14 or section 14A, he shall be punishable with imprisonment for a term which may extend to six months and with fine which shall not be less than five hundred rupees

(1D) If any person convicted of an offence under this Act commits a like offence afterwards, then, without prejudice to the provisions of sub-section (2), the court, before which the second or subsequent conviction takes place, may order the cancellation of the licence, if any, granted to him under this Act and thereupon such licence shall notwithstanding anything contained in this Act, or in the rules made thereunder, stand cancelled.”.

10. *Amendment of section 19.*—In section 19 of the principal Act,—

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) A vendor shall not be deemed to have committed an offence pertaining to the sale of any adulterated or misbranded article of food if he proves—

- (a) that he purchased the article of food—
 - (i) in a case where a licence is prescribed for the sale thereof, from a duly licensed manufacturer, distributor or dealer;
 - (ii) in any other case, from any manufacturer, distributor or dealer, with a written warranty in the prescribed form; and
- (b) that the article of food while in his possession was properly stored and that he sold it in the same state as he purchased it.”;
- (ii) in sub-section (3), for the words, brackets and figure “in sub-section (2)”, the words and figures “in section 14” shall be substituted.

11. *Amendment of section 20.*—In section 20 of the principal Act, in sub-section (1), for the words “the State Government or a local authority or a person authorised in this behalf by the State Government or a local authority”, the words “the Central Government or the State Government or a local authority or a person authorised

in this behalf, by general or special order, by the Central Government or the State Government or a local authority" shall be substituted.

12. *Insertion of new section 20A.*—After section 20 of the principal Act, the following section shall be inserted, namely:—

"20A. *Power of court to implead manufacturer etc.*—Where at any time during the trial of any offence under this Act alleged to have been committed by any person, not being the manufacturer, distributor or dealer of any article of food, the court is satisfied, on the evidence adduced before it, that such manufacturer, distributor or dealer is also concerned with that offence, then, the court may, notwithstanding anything contained in sub-section (1) of section 351 of the Code of Criminal Procedure, 1898 (5 of 1898), or in section 20 proceed against him as though a prosecution had been instituted against him under section 20."

13. *Amendment of section 23.*—In section 23 of the principal Act,—

(i) in clause (a) of sub-section (1), for the words "and the fees payable therefor", the words "the fees payable therefor, the deposit of any sum as security for the performance of the conditions of the licence and the circumstances under which such licence or security may be cancelled or forfeited" shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Every rule made by the Central Government under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made the rule shall thereafter have effect only in such modified form or be of no effect,

(ii) after Item No. 28(34), the following Items shall be inserted, namely:—

"28(35)	2-amino-anthraquinone—				
	(a) of British manufacture; Protective	45 per cent <i>ad valorem</i>.	..	..	December 31st, 1967.
	(b) not of British manufacture. Protective	55 per cent <i>ad valorem</i>.	..	..	December 31st, 1967.
28(36)	Benzanthrone—				
	(a) of British manufacture; Protective	65 per cent <i>ad valorem</i>.	..	..	December 31st, 1967.
	(b) not of British manufacture. Protective	75 per cent <i>ad valorem</i>.	..	..	December 31st, 1967.
28(37)	Beta Oxy Naphthoic Acid—				
	(a) of British manufacture; Protective	65 per cent <i>ad valorem</i>.	..	..	December 31st, 1967.
	(b) not of British manufacture. Protective	75 per cent <i>ad valorem</i>.	..	..	December 31st, 1967.";

(iii) in Item No. 30(1), for sub-item (b), the following sub-item shall be substituted, namely:—

"(b)	Coupling dyes of the Naphthol group—				
	(i) naphthols; Protective	50 per cent <i>ad valorem</i>.	..	..	December 31st, 1967.
	(ii) fast colour bases; Protective	75 per cent <i>ad valorem</i>.	..	..	December 31st, 1967.
	(iii) bases other than at (ii) above. Revenue	50 per cent <i>ad valorem</i>.	..	..	..";

as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of any thing previously done under that rule."

14. *Amendment of section 24.*—In sub-section (2) of section 24 of the principal Act,—

- in clause (a) the words "and jurisdiction of food inspectors and public analysts" shall be omitted;
- in clause (b) for the words "and the fees payable therefor", the words "the fees payable therefor, the deposit of any sum as security for the performance of the conditions of the licences and the circumstances under which such licences or security may be cancelled or forfeited" shall be substituted.

Assented to on 28-12-1964.

THE INDIAN" TARIFF AMENDMENT ACT, 1964

(ACT No. 51 OF 1964)

AN

ACT

further to amend the Indian Tariff Act, 1934.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Indian Tariff (Amendment) Act, 1964.

(2) The provisions of clauses (i), (iv) and (v) of section 2 shall come into force on the 1st day of January, 1965, and the remaining provisions shall come into force at once.

2. *Amendment of First Schedule.*—In the First Schedule to the Indian Tariff Act, 1934 (32 of 1934),—

- in Items Nos. 28(4), 28(33), 28(34) and 30(14),—
 - in the third column headed "Nature of duty" for the word "Protective", wherever it occurs, the words "Revenue" shall be substituted;
 - in the last column headed "Duration of protective rates of duty", the existing entries shall be omitted;

- (iv) in Items Nos. 30(15) and 30(16), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December, 31st, 1964", the words, figures and letters "December 31st 1967" shall be substituted;
- (v) in Items Nos. 66(a) and 66(1), in the last column headed "Duration of protective rates of duty", for the word, figures and letters "December 31st 1964", the word, figures and letters "December 31st, 1968" shall be substituted.

Assented to on 29-12-64.

THE REPEALING AND AMENDING ACT, 1964 (ACT No. 52 OF 1964)

AN ACT

to repeal certain enactments and to amend certain other enactments.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Repealing and Amending Act, 1964.

2. *Repeal of certain enactments.*—The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

3. *Amendment of certain enactments.*—The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

4. *Savings.*—The repeal by this Act of any enactment

shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

5. *Effect of repeal of amending enactment.*—For the removal of doubts, it is hereby declared that where this Act repeals any enactment by which the text of any other enactment, not being a Central Act, Ordinance or Regulation, was amended by the express omission, in section or substitution of any matter, the repeal shall not affect the continuance of any such amendment made by the enactment so repealed and in operation at the commencement of this Act.

THE FIRST SCHEDULE

(See section 2)

REPEALS

Year 1	No. 2	Short title 3	Extent of repeal 4
<i>Central Acts</i>			
1954	14	The Barsi Light Railway Company (Transferred Liabilities) Act, 1954	The whole.
1959	3	The Cinematograph (Amendment) Act, 1959	The whole.
1959	4	The Delhi Land Reforms (Amendment) Act, 1959	Sections 2 to 19 and sub-section (1) of section 20.
1959	8	The Workmen's Compensation (Amendment) Act, 1959	The whole.
1959	9	The Delhi Panchayat Raj (Amendment) Act, 1959	The whole.
1959	13	The Indian Railways (Amendment) Act, 1959	The whole.
1959	14	The Reserve Bank of India (Amendment) Act, 1959	The whole.
1959	15	The Chartered Accountants (Amendment) Act, 1959	The whole.
1959	16	The Indian Lighthouse (Amendment) Act, 1959	The whole.
1959	20	The Bengal Finance (Sales Tax) (Delhi Amendment) Act, 1959	The whole.
1959	21	The Displaced Persons (Compensation and Rehabilitation) Amendment Act, 1959.	The whole.
1959	22	The Census (Amendment) Act, 1959	The whole.
1959	24	The Pharmacy (Amendment) Act, 1959	Sections 2 to 17.
1959	25	The International Monetary Fund and Bank (Amendment) Act, 1959	The whole.
1959	26	The State Bank of India (Amendment) Act, 1959	The whole.
1959	28	The Road Transport Corporations (Amendment) Act, 1959	The whole.
1959	30	The Wakf (Amendment) Act, 1959	The whole.
1959	32	The Indian Electricity (Amendment) Act, 1959	The whole.
1959	33	The Banking Companies (Amendment) Act, 1959.	The whole.
1959	37	The Central Excises and Salt (Amendment) Act, 1959	Section 2.
1959	38	The State Bank of India (Subsidiary Banks) Act, 1959	Section 64 and the Third Schedule.
1959	41	The Criminal Law (Amendment) Act, 1959	Section 2.
1959	44	The Public Debt (Amendment) Act, 1959	The whole.
1959	45	The Government Savings Banks (Amendment) Act, 1959	The whole.

Year 1	No. 2	Short title 3	Extent of repeal 4
1959	49	The Securities Contracts (Regulation) Amendment Act, 1959	The whole.
1959	50	The Kerala State Legislature (Delegation of Powers) Act, 1959	The whole.
1959	52	The Indian Penal Code (Amendment) Act, 1959	The whole.
1959	59	The Mineral Oils (Additional Duties of Excise and Customs) Amendment Act, 1959.	Sections 2 and 3.
1959	60	The Indian Tariff (Amendment) Act, 1959	The whole.
1959	62	The Mines (Amendment) Act, 1959	The whole.
1960	1	The Administration of Evacuee Property (Amendment) Act, 1960	The whole.
1960	2	The Displaced Persons (Compensation and Rehabilitation) Amendment Act, 1960	Sections 2 to 10.
1960	4	The Imports and Exports (Control) Amendment Act, 1960	The whole.
1960	5	The Motor Vehicles (Amendment) Act, 1960	Section 2.
1960	14	The Reserve Bank of India (Amendment) Act, 1960	The whole.
1960	16	The Estate Duty (Amendment) Act, 1960	Sections 2 and 3.
1960	17	The Supreme Court (Number of Judges) Amendment Act, 1960	The whole.
1960	18	The Indian Boilers (Amendment) Act, 1960	Sections 2 to 20.
1960	20	The Representation of the People (Amendment) Act, 1960	The whole.
1960	21	The Rubber (Amendment) Act, 1960	The whole.
1960	22	The Cotton Transport (Amendment) Act, 1960	Sections 2 and 3.
1960	23	The Banking Companies (Amendment) Act, 1960	The whole.
1960	24	The Delhi Land Holdings (Ceiling) Act, 1960	Section 28.
1960	25	The Agricultural Produce (Grading and Marking) Amendment Act, 1960	The whole.
1960	26	The Press and Registration of Books (Amendment) Act, 1960	The whole.
1960	27	The Evacuee Interest (Separation) Amendment Act, 1960	The whole.
1960	34	The Plantations Labour (Amendment) Act, 1960	The whole.
1960	35	The Drugs (Amendment) Act, 1960	The whole.
1960	37	The Banking Companies (Second Amendment) Act, 1960	Sections 2 to 9.
1960	38	The Central Excises (Conversion to Metric Units) Act, 1960	Sections 2 to 8 and the First and Second Schedules.
1960	40	The Customs Duties and Cesses (Conversion to Metric Units) Act, 1960	Sections 2 to 9 and the Schedule.
1960	41	The Standards of Weights and Measures (Amendment) Act, 1960	The whole.
1960	42	The Indian Trade Unions (Amendment) Act, 1960	The whole.
1960	44	The Indian Aircraft (Amendment) Act, 1960	The whole.
1960	45	The Indian Museum (Amendment) Act, 1960	Sections 2 to 12.
1960	46	The Employees' Provident Funds (Amendment) Act, 1960	The whole.
1960	51	The Motor Vehicles (Second Amendment) 1960	The whole.
1960	52	The Indian Post Office (Amendment) Act, 1960	The whole.
1960	55	The Indian Tariff (Amendment) Act, 1960	The whole.
1960	56	The Code of Criminal Procedure (Amendment) Act, 1960	The whole.
1960	61	The Preventive Detention (Continuance) Act, 1960	The whole.
1960	62	The Forward Contracts (Regulation) Amendment Act, 1960	The whole.
1960	65	The Companies (Amendment) Act, 1960	Sections 2 to 207 and 209 to 218.
1960	66	The Industrial Finance Corporation (Amendment) Act, 1960	The whole.
1961	7	The Banking Companies (Amendment) Act, 1961	Sections 2 to 5.
1961	8	The Railway Passenger Fares (Repeal) Act, 1961	The whole.
1961	11	The Insurance (Amendment) Act, 1961	The whole.
1961	13	The Orissa State Legislature (Delegation of Powers) Act, 1961	The whole.
1961	15	The Telegraph Laws (Amendment) Act, 1961	The whole.
1961	16	The Industrial Employment (Standing Orders) Amendment Act, 1961	The whole.
1961	17	The Essential Commodities (Amendment) Act, 1961	The whole.
1961	19	The Medicinal and Toilet Preparations (Excise Duties) Amendment Act, 1961.	The whole.
1961	21	The Delhi Shops and Establishments (Amendment) Act, 1961	The whole.
1961	24	The Coal Mines (Conservation and Safety) Amendment Act, 1961	The whole.
1961	29	The Marking of Heavy Packages (Amendment) Act, 1961	The whole.
1961	31	The Minimum Wages (Amendment) Act, 1961	The whole.
1961	32	The Khadi and Village Industries Commission (Amendment) Act, 1961	The whole.
1961	34	The Salt Cess (Amendment) Act, 1961	The whole.
1961	39	The Indian Railways (Amendment) Act, 1961	The whole.
1961	40	The Representation of the People (Amendment) Act, 1961	The whole.
1961	41	The Indian Penal Code (Amendment) Act, 1961	The whole.
1961	42	The Delhi Municipal Corporation (Amendment) Act, 1961	The whole.
1961	44	The Indian Standards Institution (Certification Marks) Amendment Act, 1961.	The whole.
1961	47	The Deposit Insurance Corporation Act, 1961	Section 51 and the Second Schedule.

Year 1	No. 2	Short title 3	Extend of repeal 4
1961	48	The Coffee (Amendment) Act, 1961	The whole.
1961	50	The High Court Judges (Conditions of Service) Amendment Act, 1961	The whole.
1961	51	The Industries (Development and Regulation) Amendment Act, 1961	The whole.
1961	52	The Apprentices Act, 1961	Section 38.
1961	56	The Indian Tariff (Amendment) Act, 1961	The whole.
1961	60	The Visva-Bharati (Amendment) Act, 1961	The whole.
1961	61	The Delhi University (Amendment) Act, 1961	The whole.
<i>Other Enactments</i>			
1944	18	The Patiala State Penal Deductions Ordinance, 2000 BK,	The whole.
1948	2	The Patiala Armed Bands (Arrest and Detention) Ordinance, 2005 BK.	The whole.

THE SECOND SCHEDULE

(See section 3)

AMENDMENTS

Year 1	No. 2	Short title 3	Amendments 4
<i>Central Acts</i>			
1898	5	The Code of Criminal Procedure, 1898.	In section 118, the brackets and figure "(1)" at the commencement shall be omitted.
1925	26	The Indian Carriage of Goods by sea Act, 1925.	(i) In the Preamble— (a) in the first paragraph, the words "including the delegates representing His Majesty" shall be omitted; (b) for the third and fourth paragraphs, the following paragraph shall be substituted, namely:— "AND WHEREAS it is expedient that the said rules as so amended and as set out with modifications in the Schedule should, subject to the provisions of this Act, have the force of law with a view to establishing the responsibilities, liabilities, rights and immunities attaching to carriers under bills of lading: It is hereby enacted as follows:—"; (ii) In section 7, for the words, figures and brackets "four hundred and forty-six to four hundred and fifty, both inclusive, five hundred and two, and five hundred and three of the Merchant Shipping Act, 1894 (57 & 58 Vict., c. 60), as amended by any subsequent enactment", the following words, figures and brackets shall be substituted, namely:— "331 and 352 of the Merchant Shipping Act, 1958 (44 of 1958)".
1925	39	The Indian Succession Act, 1925	In sub-section (2) of section 213, in clause (ii), for the words "ordinary civil jurisdiction", the words "ordinary original civil jurisdiction" shall be substituted.
1949	24	The Delhi Hotels (Control of Accommodation) Act, 1949.	(i) For sub-section (2) of section 1, the following sub-section shall be substituted, namely:— "(2) It extends to the areas which immediately before the 7th April, 1958, were included in the jurisdiction of— (a) the Municipality of New Delhi; (b) the Notified Area Committee, Civil Station Delhi."; (ii) For the words "Estate Officer", wherever they occur, the words "Director of Estates" shall be substituted.
1949	38	The Chartered Accountants Act 1949	In item (9) of Part I of the First Schedule, for the figures "226" the figures "225" shall be substituted.
1956	1	The Companies Act, 1956	(i) In section 3(1) (ii) of the Act, as extended to the Union territory of Goa, Daman and Diu, in clause (g), the words brackets and figures "(Carta Lei of the 11th April, 1901)" shall be omitted; (ii) In clause (c) of sub-section (4) of section 56, for the words "was immaterial" the words "were immaterial" shall be substituted; (iii) In sub-section (1) of section 620, for the figures "639" the figures and letter "619A" shall be substituted.

Year 1	No. 2	Short title 3	Amendments 4
1957	61	The Delhi Development Act, 1957.	In sub-section (3) of section 3, in clause (f) for the words "two representatives", the words "three representatives" shall be substituted.
1957	66	The Delhi Municipal Corporation Act, 1957.	(i) In the heading to section 184, the words "Taxes on motor vehicles and" shall be omitted; (ii) In clause (a) of sub-section (1) of section 397, sub-clauses (ii) and (iii) shall be omitted.
1959	47	The Rajasthan and Madhya Pradesh (Transfer of Territories) Act, 1959.	In the First Schedule against "Dotada" village in column headed "Area in Bighas"— (i) for the figures "926" against Khasra No. 365, the figures "921" shall be substituted; (ii) for the figures "200" against Khasra No. 367, the figures "205" shall be substituted.
1960	11	The Bombay Re-organisation Act, 1960.	In the Eighth Schedule, under the heading "Part IV—Gujarat", in item 12 below entry 1, for the expression "Koli, Dhor", the expression "Koli Dhor" shall be substituted.
1961	25	The Advocates Act, 1961.	In sub-section (5) of section 49A for the words "under this Act", the words "under this section" shall be substituted.
1962	51	The Defence of India Act, 1962.	In sub-section (2) of section 35, the word "by" occurring after the words "shall not prejudice" shall be omitted.
1962	55	The Manipur (Sales of Motor Spirit and Lubricants) Taxation Act, 1962.	In the first proviso to section 15, for the words "under this sub-section" the words "under this section" shall be substituted.
1963	36	The Limitation Act, 1963.	In the Schedule,— (i) in the entry in the first column against article 98, for the words and figures "an order under rule 63 or rule 103," the words and figures "an order referred to in rule 63 or in rule 103" shall be substituted; (ii) in the entry in the third column against article 136, for the words "Where" where that word first occurs, the word "When" shall be substituted.
1963	47	The Specific Relief Act, 1963.	(i) In clause (i) of sub-section (3) of section 12 after the word, brackets and letter "clause (b)", the words "pays or has paid" shall be inserted; (ii) In clause (b) of sub-section (1) of section 22, for the words "made to" the words "made by" shall be substituted.

*Acts in force in the Union territory of
Delhi*

The Punjab Municipal Act, 1911 (Punjab Act 3 of 1911), as in force in the Union territory of Delhi.	Section 151 shall be omitted.
The United Provinces Municipalities Act, 1916 (United Provinces Act 2 of 1916), as in force in the Union territory of Delhi.	Section 248 shall be omitted.

Assented to on 30-12-1964.

**THE FOREIGN EXCHANGE REGULATION
(AMENDMENT) ACT, 1964**
(ACT No. 55 OF 1964)

AN
ACT

furtherto amend the Foreign Exchange Regulation Act, 1947.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Foreign Exchange Regulation (Amendment) Act, 1964.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 1.*—In sub-section (2) of

section 1 of the Foreign Exchange Regulation Act, 1947 (7 of 1947) (hereinafter referred to as the principal Act), the words "and to branches and agencies outside India of companies or bodies corporate registered or incorporated in India" shall be inserted at the end.

3. *Amendment of section 2.*—In section 2 of the principal Act,—

(i) in clause (g), the words, figures and letter "but does not include special bank notes and special one rupee notes issued under section 28.4 of the Reserve Bank of India Act, 1934 (2 of 1934)", shall be inserted at the end;

(ii) after clause (g), the following clause shall be inserted, namely:—

"(gg) "Indian customs waters" means the waters extending into the sea to a distance of twelve nautical miles measured from the appropriate base line on the coast of India and

includes any bay, gulf, harbour, creek or tidal river;";

- (iii) in clause (k), after the words and figures "Public Debt Act, 1944 (18 of 1944)", the words and figures "savings certificates to which the Government Savings Certificates Act, 1959, (46 of 1959), applies", shall be inserted.

4. *Insertion of new sections 2A and 2B.*—After section 2 of the principal Act, the following sections shall be inserted, namely:—

"2A. *Officers of Enforcement.*—The Central Government may appoint a Director of Enforcement and as many Deputy Directors of Enforcement, Assistant Directors of Enforcement and such other officers as it thinks fit to be officers of Enforcement for the purpose of enforcing the provisions of this Act.

2B. *Entrustment of functions of Director or other officer of Enforcement.*—The Central Government may, by order and subject to such limitations and conditions as it thinks fit to impose, authorise any officer of Enforcement, or any officer of customs or any Central Excise Officer or any police officer or any other officer of the Central Government or State Government to exercise such of the powers and discharge such of the duties of the Director of Enforcement or any other officer of Enforcement under this Act as may be specified in the order."

5. *Amendment of section 4.*—In section 4 of the principal Act, in sub-section (1), for the words "buy or borrow from", the words "buy or otherwise acquire or borrow from" and for the words "sell or lend to", the words "sell or otherwise transfer or lend to" shall be substituted.

6. *Amendment of section 5.*—In sub-section (1) of section 5 of the principal Act, after clause (a), the following clause shall be inserted, namely:—

"(aa) receive, otherwise than through an authorised dealer, any payment by order or on behalf of any person resident outside India;";

7. *Amendment of section 8.*—In section 8 of the principal Act, in sub-section (2), after the words "any gold", the word "jewellery" shall be inserted, and for the words "obtained from an authorised dealer", the words "obtained by him from an authorised dealer" shall be substituted.

8. *Amendment of section 10.*—In sub-section (1) of section 10 of the principal Act, in the opening paragraph, for the words "do or refrain from doing any act with intent to secure—", the words "do or refrain from doing anything or take or refrain from taking any action which has the effect of securing—" shall be substituted.

9. *Amendment of section 12.*—In sub-section (2) of section 12 of the principal Act, in the opening paragraph, for the words "do or refrain from doing any act with intent to secure that—", the words "do or refrain from doing anything or take or refrain from taking any action which has the effect of securing that—", shall be substituted.

10. *Amendment of section 13.*—In section 13 of the principal Act, in sub-section (4),—

(i) in clause (b), the word "or" shall be inserted at the end;

(ii) after clause (b), the following clause shall be inserted, namely:—

"(c) transfer any share from a register outside India to a register in India."

11. *Amendment of section 17.*—In section 17 of the principal Act,—

(a) in sub-section (1),—

(i) for the words, "settle any property, otherwise than by will, so that a person who at the time of of the settlement", the words "settle, or make a gift of, any property so that a person who at the time of the settlement or the making of the gift", shall be substituted;

(ii) the words, "other than by will", shall be omitted

(b) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) Any settlement or gift made or any power exercised as aforesaid without the permission of the Reserve Bank shall not be invalid merely on the ground that such permission has not been obtained, but no payment or remittance in pursuance of such settlement, gift or power shall be made to, or for the credit of, or on behalf of any person resident outside India, elsewhere than in territories notified by the Reserve Bank, except with the general or special permission of the Reserve Bank which may be granted conditionally or unconditionally."

12. *Amendment of section 18.*—In section 18 of the principal Act, after sub-section (3B), the following sub-section shall be inserted, namely:—

"(3C) Except with the general or special permission of the Central Government or the Reserve Bank, no person resident in India shall give a guarantee in respect of any debt or other obligation or liability of a person resident outside India."

13. *Insertion of new sections 18A and 18B.*—After section 18 of the principal Act, the following sections shall be inserted, namely:—

"18A. *Restriction on appointment of certain companies and firms as agents or technical advisers in India.*—Without prejudice to the provisions of section 21 and notwithstanding anything contained in any other provision of this Act, a company (other than a banking company) which is not incorporated under any law in force in India or which is controlled directly or indirectly by persons resident outside India, or any branch or office of any such company in India, or a firm consisting wholly or in part of persons resident outside India, shall not accept appointment as—

(a) agent in India of any person, company or firm in the trading or commercial transactions thereof, or

(b) technical or management adviser in India of any person, company or firm,

except with the general or special permission of the Central Government or the Reserve Bank; and where such appointment is accepted without such permission, it shall be void.

18B. *Regulation of booking of passages outside India.*—No airline, shipping company or travel agent shall, except with the general or special permission of the Reserve Bank and subject to such conditions, if any, as may be specified therein, book for any person a passage for a journey the whole or any part of which is outside India."

14. *Amendment of section 19.*—In section 19 of the principal Act, sub-sections (3) and (4) shall be omitted.

15. *Insertion of new sections 19A to 19F.*—Sections 19A and 19B of the principal Act shall be re-numbered as sections 19G and 19H respectively and—

(a) before section 19G as so re-numbered, the following sections shall be inserted, namely:—

- 19A. Power to search suspected persons.**—(1) If any officer of Enforcement authorised in this behalf by the Central Government, by general or special order, has reason to believe that any person has secreted about his person any documents which will be useful for or relevant to any proceeding under this Act, he may search that person.
- (2) When any officer of Enforcement is about to search any person under the provisions of this section, the officer of Enforcement shall, if such person so requires take such person without unnecessary delay to the nearest gazetted Officer of Enforcement superior in rank to him or a magistrate.
- (3) If such requisition is made, the officer of Enforcement may detain in the person making it until he can bring him before the Gazetted Officer of Enforcement or magistrate referred to in sub-section (2).
- (4) The Gazetted Officer of Enforcement or the magistrate before whom any such person is brought shall, if he sees no reasonable ground for search, forthwith discharge the person but otherwise shall direct that search be made.
- (5) Before making a search under the provisions of this section, the officer of Enforcement shall call upon two or more persons to attend and witness the search and may issue an order in writing to them or any of them so to do; and the search shall be made in the presence of such persons and a list of all documents seized in the course of such search shall be prepared by such officer or other person and signed by such witnesses.
- (6) No female shall be searched by any one excepting a female.
- (7) In this section and in sections 19C to 19G, the expression "document" includes Indian currency, foreign exchange and books of account.
- 19B. Power to arrest.**—(1) If any officer of Enforcement authorised in this behalf by the Central Government, by general or special order, has reason to believe that any person in India or within the Indian customs waters has been guilty of an offence punishable under this Act, he may arrest such person and shall, as soon as may be, inform him of the grounds for such arrest.
- (2) Every person arrested under sub-section (1) shall, without unnecessary delay, be taken to a magistrate.
- (3) Where any officer of Enforcement has arrested any person under sub-section (1), he shall, for the purpose of releasing such person on bail or otherwise, have the same powers and be subject to the same provisions as the officer-in-charge of a police station has, and is subject to, under the Code of Criminal Procedure, 1898 (5 of 1898).
- 19C. Power to stop and search conveyances.**—Where an officer of Enforcement authorised in this behalf by the Central Government, by general or special order, has reason to believe that any aircraft, vehicle or animal in India or any vessel in India or within the Indian customs waters has been, is being, or is about to be, used in the commission of an offence under this Act, or that any documents which will be useful for or relevant to any proceeding under this Act is secreted there in, he may at any time stop any such vehicle or animal or vessel or, in the case of an aircraft, compel it to land, and—
- (a) rummage and search any part of the aircraft, vehicle or vessel;
- (b) examine and search any goods in the aircraft, vehicle or vessel or on the animal;
- (c) seize any such document as is referred to above;
- (d) break open the lock of any door or package for exercising the powers conferred by clauses (a), (b) and (c) if the keys are withheld.
- 19D. Power to search premises.**—(1) If an officer of Enforcement not below the rank of Assistant Director of Enforcement, has reason to believe that any documents which in his opinion will be useful for or relevant to any proceeding under this Act, are secreted in any place he may authorise any officer of Enforcement to search for and seize or may himself search for and seize such documents.
- (2) The provisions of the Code of Criminal Procedure, 1898, (5 of 1898) relating to searches shall, so far as may be, apply to searches under this section subject to the modification that sub-section (5) of section 165 of the said Code shall have effect as if for the word "Magistrate", wherever it occurs, the words "Director of Enforcement or other officer exercising his powers" were substituted.
- 19E. Power to examine persons.**—The Director of Enforcement may, during the course of any inquiry in connection with any offence under this Act,—
- (a) require any person to produce or deliver any document relevant to the inquiry;
- (b) examine any person acquainted with the facts and circumstances of the case.
- 19F. Power to summon persons to give evidence and produce documents.**—(1) The Director of Enforcement shall have power to summon any person whose attendance he considers necessary either to give evidence or to produce a document in any inquiry which such officer is making in connection with any offence under this Act.
- (2) A summons to produce documents may be for the production of certain specified documents or for the production of all documents of a certain description in the possession or under the control of the person summoned.
- (3) All persons so summoned shall be bound to attend either in person or by an authorised agent as such officer may direct; and all persons so summoned shall be bound to state the truth upon any subject respecting which they are examined or make statements and produce such documents as may be required:
- Provided that the exemption under section 132 of the Code of Civil Procedure, 1908. (5 of 1908), shall be applicable to any requisition for attendance under this section.
- (4) Every such inquiry as aforesaid shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860)."
- (b) in section 19G as so re-numbered,—
- (i) for the words, brackets and figures "Where, in pursuance of an order made under sub-section (2) of section 19 or of a search warrant issued under sub-section (3) of the said section, any book or other document is furnished or seized, and the Director of Enforcement has reasons to believe that the said document would be evidence of the contravention of any of the provi-

sions of this Act or of any rule, direction or order made thereunder, and that it would be necessary to retain the documents in his custody, he may so retain the said document for a period not exceeding four months or if, before the expiry of the said period of four months, any proceedings under section 23—” the following shall be substituted, namely:—

“Where in pursuance of an order made under sub-section (2) of section 19 or of the provisions of section 19A, 19C or 19D, or of a requisition or summons under section 19E or 19F, any document is furnished or seized and the Director of Enforcement or any other officer of Enforcement has reason to believe that the said document would be evidence of the contravention of any of the provisions of this Act or of any rule, direction or order made thereunder, and that it would be necessary to retain the document in his custody, he may so retain the said document for a period not exceeding one year or if, before the expiry of the said period of one year, any proceedings under section 23—”;

(ii) in clause (a), for the words “including the proceedings before the Appellate Board, if any”, the words “including the proceedings, if any before the Appellate Board and the High Court” shall be substituted;

(c) after section 19H as so re-numbered, the following sections shall be inserted, namely:—

‘19I. *Prohibition of disclosure of documents or information except in certain cases.*—(1) If in the course of an inquiry under this Act, the Director of Enforcement is of the opinion that the contents of any document in his possession or control would be useful for, or relevant to, any proceeding which is in progress or may be started under any other law for the time being in force, he may disclose such document or any information contained therein as he thinks fit to an officer duly authorised by or under such other law.

(2) If any officer of Enforcement, except in the discharge in good faith of his duty as such officer in accordance with sub-section (1), or in compliance with any requisition made under any law for the time being in force, discloses any document or information obtained by him in his official capacity in the course of any inquiry under this Act, he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

19J. *Special provision regarding certain dealings in foreign exchange.*—(1) If any person is found or is proved to have been in possession of any foreign exchange exceeding in value two hundred and fifty rupees, the burden of proving that the foreign exchange came into his possession lawfully shall be on him.

2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), any police officer not below the rank of Inspector of Police or any other officer of the Central Government or a State Government authorised by the Central Government in this behalf may enter any public place and search and arrest without warrant any person found therein who is reasonably suspected of having committed or of committing or of being about to commit a con-

travention of sub-section (1) of section 4.

Explanation.—For the purposes of this sub-section, the expression “public place” includes any public conveyance, any hotel, any shop or any other place intended for use by, or accessible to, the public.

(3) Where any person is arrested under sub-section (2) by an officer other than a police officer, such officer shall, without unnecessary delay, take or send the person arrested before a magistrate having jurisdiction in the case or before the officer-in-charge of a police station.

(4) The provisions of the Code of Criminal Procedure, 1898 (5 of 1898), shall, subject to the provisions of this section, apply, so far as may be, in relation to any entry, search or arrest, made under this section.

(5) The provisions of this section shall have effect notwithstanding anything inconsistent therewith contained in any other provision of this Act.’

16. *Amendment of section 22.*—In section 22 of the principal Act, for the word, figures and letter “section 19B” the word, figures and letter “section 19H” shall be substituted.

17. *Amendment of section 23.*—In section 23 of the principal Act,—

(a) in sub-section (1), for the words, figures and brackets “If any person contravenes the provisions of section 4, section 5, section 9, or sub-section (2) of section 12”, the following shall be substituted, namely:—

“If any person contravenes the provisions of section 4, section 5, section 9, section 10, sub-section (2) of section 12, section 17, section 18A or section 18B”;

(b) for sub-section (1A), the following sub-section shall be substituted, namely:—

“(1A) If any person contravenes any of the provisions of this Act or of any rule, direction or order made thereunder, for the contravention of which no penalty is expressly provided, he shall, upon conviction by a court, be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.”;

(c) in sub-section (3),—

(i) after clause (a), the following clause shall be inserted, namely:—

“(aa) of any offence punishable under sub-section (2) of section 19I,—

(i) where the offence is alleged to have been committed by an officer of Enforcement not lower in rank than an Assistant Director of Enforcement, except with the previous sanction of the Central Government;

(ii) where the offence is alleged to have been committed by an officer of Enforcement lower in rank than an Assistant Director of Enforcement, except with the previous sanction of the Director of Enforcement, or”;

(ii) in clause (b), for the words and figures “or under section 54 of the Indian Income-tax Act, 1922 (11 of 1922), as applied by section 19 of this Act”, the words, figures and letter “or section 23F” shall be substituted.

18. *Amendment of section 23A.*—In section 23A of the principal Act, for the words and figures “under section 19 of the Sea Customs Act, 1878 (8 of 1878), and all the provisions of that Act, shall have effect accordingly, except that section 183 thereof shall have effect as if for the word “shall” therein, the word “may” were substituted”, the following shall be substituted, namely:—

“under section 11 of the Customs Act, 1962 (52 of

1962) and all the provisions of that Act shall have effect accordingly.”.

19. Amendment of section 23E.—In section 23E of the principal Act,—

- (i) in sub-section (1), for the words “and another member”, the words “and two other members” shall be substituted;
- (ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Any person aggrieved by such order may, after depositing the sum imposed by way of penalty under section 23 and within forty-five days from the date on which the order is sent to the person committing the contravention, prefer an appeal to the Appellate Board:

Provided that the Appellate Board may entertain the appeal—

- (a) after the expiry of the said period of forty-five days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time;
- (b) without the deposit being made, if it is satisfied that there is sufficient reason to do so subject to the condition that the deposit shall be made within such time before the date of the hearing of the appeal as it may allow and that the appeal shall stand dismissed, if the deposit is not so made.”;

(iii) in sub-section (3), for the words “shall be final”, the words, figures and letters “shall, subject to the provisions of section 23EE, be final” shall be substituted;

(iv) after sub-section (5), the following sub-section shall be inserted, namely:—

“(6) The powers and functions of the Appellate Board may be exercised and discharged by Benches consisting of two members and constituted by the Chairman of the Appellate Board:

Provided that if the members of the Bench differ on any point or points, they shall state the point or points on which they differ and refer the same to the third member for hearing on such point or points and such point or points shall be decided according to the opinion of that member.”.

20. Insertion of new sections 23EE and 23 EEE.—After section 23E of the principal Act, the following sections shall be inserted, namely:—

“23EE. *Appeal to the High Court.*—An appeal shall lie to the High Court only on questions of law from any decision or order of the Appellate Board under sub-section (3) or sub-section (4) of section 23E.

23EEE. *Correction of clerical errors, etc.*—Clerical or arithmetical mistakes in any decision or order passed by the Appellate Board or the Director of Enforcement under this Act, or errors arising therein from any accidental slip or omission may, at any time, be corrected by the Appellate Board or the Director of Enforcement or his successor in office, as the case may be.”.

21. Amendment of section 23F.—In section 23F of the principal Act, after the words “Appellate Board”, the words “or the High Court” shall be inserted.

22. Amendment of section 24A.—In section 24A of the principal Act,—

- (a) for the words, brackets and figures “furnished by any person under sub-section (2) of section 19, or has been seized under sub-section (3) of that section from the custody or control of any person.”, the following shall be substituted, namely:—

“furnished by any person under sub-section (2) of section 19, section 19E or section 19F, or has been seized under section 19A or section 19C or section 19D from the custody or control of any person,”;

- (b) after the words “the Court” in the two places where they occur, the words, brackets, letter and figures “or the officer adjudicating under clause (a) of sub-section (1) of section 23” shall be inserted.

23. Insertion of new section 25A.—After section 25 of the principal Act, the following section shall be inserted, namely:—

“25A. *Certain officers to assist officers of Enforcement.*—The following officers are hereby empowered and required to assist officers of Enforcement in the enforcement of this Act, namely:—

- (a) officers of the Customs Department;
- (b) officers of the Central Excise Department;
- (c) officers of Police;
- (d) officers of the Central or State Government employed at any port or airport;
- (e) such other officers of the Central or State Government or a local authority as are specified by the Central Government in this behalf by notification in the Official Gazette.”.

24. Amendment of section 27.—In section 27 of the principal Act,—

- (a) in sub-section (2), clause (c) shall be re-lettered as clause (d) and before the clause as so re-lettered, the following clause shall be inserted, namely:—

“(c) provide, subject to such conditions as may be prescribed, for the publication of the names and other particulars of persons who have been found guilty of any contravention of the provisions of this Act, or of any rule, order or direction made thereunder.”;

- (b) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Every rule made under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

Assented to on 30-12-1964.

THE PAYMENT OF WAGES (AMENDMENT) ACT, 1964

(ACT No. 53 OF 1964)

AN
ACT

further to amend the payment of Wages Act, 1936.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Payment of Wages (Amendment) Act, 1964.
- (2) It shall come into force on such date as the Central

Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 1.*—To sub-section (5) of section 1 of the Payment of Wages Act, 1936 (4 of 1936), (hereinafter referred to as the principal Act), the following proviso shall be added, namely:—

“Provided that in relation to any industrial establishment owned by the Central Government, with objects not confined to one State, no such notification shall be issued except in consultation with that Government.”

3. *Amendment of section 2.*—In section 2 of the principal Act,—

(i) for clause (i), the following clauses shall be substituted, namely:—

(i) “employed person” includes the legal representative of a deceased employed person;

(ia) “employer” includes the legal representative of a deceased employer;

(ib) “factory” means a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (63 of 1948), and includes any place to which the provisions of that Act have been applied under sub-section (1) of section 85 thereof;”;

(ii) in clause (ii), for sub-clause (a), the following sub-clauses shall be substituted, namely:—

“(a) tramway service, or motor transport service engaged in carrying passengers or goods or both by road for hire or reward;

(aa) air transport service other than such service belonging to, or exclusively employed in the military, naval or air forces of the Union or the Civil Aviation Department of the Government of India;”;

(iii) after clause (ii), the following clause shall be inserted, namely:—

“(iia) “mine” has the meaning assigned to it in clause (j) of sub-section (1) of section 2 of the Mines Act, 1952 (35 of 1952);”.

(iv) for clause (iii), the following clause shall be substituted, namely:—

“(iii) “plantation” has the meaning assigned to it in clause (f) of section 2 of the Plantations Labour Act, 1951 (69 of 1951);”.

4. *Amendment of section 3.*—In section 3 of the principal Act, in the proviso, for the words “shall be responsible”, the words “shall also be responsible” shall be substituted.

5. *Amendment of section 5.*—In section 5 of the principal Act,—

(i) to sub-section (1), the following proviso shall be added, namely:—

“Provided that in the case of persons employed on a dock, wharf or jetty or in a mine, the balance of wages found due on completion of the final tonnage account of the ship or wagons loaded or unloaded, or as the case may be, shall be paid before the expiry of the seventh day from the day of such completion.”;

(ii) to sub-section (2), the following proviso shall be added, namely:—

“Provided that where the employment of any person in an establishment is terminated due to the closure of the establishment for any reason other than a weekly or other recognised holiday, the wages

earned by him shall be paid before the expiry of the second day from the day on which his employment is so terminated.”;

(iii) in sub-section (3),—

(a) after the brackets and words “(otherwise than in a factory)”, the words “or to persons employed as daily-rated workers in the Public Works Department of the Central Government or the State Government” shall be inserted;

(b) the following proviso shall be inserted at the end, namely:—

“Provided that in the case of persons employed as daily-rated workers as aforesaid, no such order shall be made except in consultation with the Central Government.”;

(iv) in sub-section (4), for the words “All payments”, the words, brackets and figure “Save as otherwise provided in sub-section (2), all payments” shall be substituted.

6. *Amendment of section 7.*—In section 7 of the principal Act,—

(i) in sub-section (2),—

(a) in clause (e) and in clause (j), after the words “State Government”, the words “or any officer specified by it in this behalf” shall be inserted;

(b) for clause (f), the following clauses shall be substituted, namely:—

“(f) deductions for recovery of advances of whatever nature (including advances for travelling allowance or conveyance allowance), and the interest due in respect thereof, or for adjustment of over-payments of wages;

(ff) deductions for recovery of loans made from any fund constituted for the welfare of labour in accordance with the rules approved by the State Government, and the interest due in respect thereof;

(fff) deductions for recovery of loans granted for house-building or other purposes approved by the State Government, and the interest due in respect thereof;”;

(c) after clause (k), the following clauses shall be inserted, namely:—

“(l) deductions for payment of insurance premia on Fidelity Guarantee Bonds;

(m) deductions for recovery of losses sustained by a railway administration on account of acceptance by the employed person of counterfeit or base coins or mutilated or forged currency notes;

(n) deductions for recovery of losses sustained by a railway administration on account of the failure of the employed person to invoice, to bill, to collect or to account for the appropriate charges due to that administration, whether in respect of fares, freight, demurrage, wharfage and cargo or in respect of sale of food in catering establishments or in respect of sale of commodities in grain shops or otherwise;

(o) deductions for recovery of losses sustained by a railway administration on account of any rebates or refunds incorrectly granted by the employed person where such loss is directly attributable to his neglect or default.”;

(ii) after sub-section (2), the following sub-sections shall be inserted, namely:—

“(3) Notwithstanding anything contained in this Act, the total amount of deductions which may be made under sub-section (2) in any wage period from the wages of any employed persons shall

not exceed—

- (i) in cases where such deductions are wholly or partly made for payments to co-operative societies under clause (j) of sub-section (2), seventy-five per cent of such wages, and
- (ii) in any other case, fifty per cent of such wages:

Provided that where the total deductions authorised under sub-section (2) exceed seventy-five per cent or, as the case may be, fifty per cent of the wages, the excess may be recovered in such manner as may be prescribed.

(4) Nothing contained in this section shall be construed as precluding the employer from recovering from the wages of the employed person or otherwise any amount payable by such person under any law for the time being in force other than the Indian Railways Act, 1890 (95 of 1890)."

7. *Amendment of section 10.*—In section 10 of the principal Act, for sub-section (1), the following sub-sections shall be substituted, namely:—

"(1) A deduction under clause (c) or clause (o) of sub-section (2) of section 7 shall not exceed the amount of the damage or loss caused to the employer by the neglect or default of the employed person.

(1A) A deduction shall not be made under clause (c) or clause (m) or clause (n) or clause (o) of sub-section (2) of section 7 until the employed person has been given an opportunity of showing cause against the deduction, or otherwise than in accordance with such procedure as may be prescribed for the making of such deductions."

8. *Amendment of section 12.*—In section 12 of the principal Act, after clause (a), the following clause shall be inserted, namely:—

"(aa) recovery of an advance of money given after employment began shall be subject to such conditions as the State Government may impose;"

9. *Insertion of new section 12A.*—After section 12 of the principal Act, the following section shall be inserted, namely:—

"12A. *Deductions for recovery of loans.*—Deductions for recovery of loans granted under clause (fff) of sub-section (2) of section 7 shall be subject to any rules made by the State Government regulating the extent to which such loans may be granted and the rate of interest payable thereon."

10. *Insertion of new section 13A.*—After section 13 of the principal Act, the following section shall be inserted, namely:—

"13A. *Maintenance of registers and records.*—(1) Every employer shall maintain such registers and records giving such particulars of persons employed by him, the work performed by them, the wages paid to them, the deductions made from their wages, the receipts given by them and such other particulars and in such form as may be prescribed.

(2) Every register and record required to be maintained under this section shall, for the purposes of this Act, be preserved for a period of three years after the date of the last entry made therein."

11. *Amendment of section 14.*—In section 14 of the principal Act, for sub-section (4), the following sub-sections shall be substituted, namely:—

"(4) An Inspector may,—

- (a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act or rules made thereunder are being observed;
- (b) with such assistance, if any, as he thinks fit, enter, inspect and search any premises of any railway, factory or industrial establishment at any reasonable time for the purpose of carrying out the objects of this Act;
- (c) supervise the payment of wages to persons employed upon any railway or in any factory or industrial establishment;
- (d) require by a written order the production at such place, as may be prescribed, of any register or record maintained in pursuance of this Act and take on the spot or otherwise statements of any persons which he may consider necessary for carrying out the purposes of this Act;
- (e) seize or take copies of such registers or documents or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by an employer;
- (f) exercise such other powers as may be prescribed:

Provided that no person shall be compelled under this sub-section to answer any question or make any statement tending to incriminate himself.

(4A) The provisions of the Code of Criminal Procedure 1898 (5 of 1898) shall, so far as may be, apply to any search or seizure under this sub-section as they apply to any search or seizure made under the authority of a warrant issued under section 98 of the said code."

12. *Insertion of new section 14A.*—After section 14 of the principal Act, the following section shall be inserted, namely:—

"14A. *Facilities to be afforded to Inspectors.*—Every employer shall afford an Inspector all reasonable facilities for making any entry, inspection, supervision, examination or inquiry under this Act."

13. *Amendment of section 15.*—In section 15 of the principal Act,—

(i) in sub-section (1),—

(a) after the word "appoint", the following shall be inserted, namely:—

"a presiding officer of any Labour Court or Industrial Tribunal, constituted under the Industrial Disputes Act, 1947 (14 of 1947), or under any corresponding law relating to the investigation and settlement of industrial disputes in force in the State or";

(b) for the words "of persons employed or paid in that area", the following shall be substituted, namely:—

"of persons employed or paid in that area, including all matters incidental to such claims:

Provided that where the State Government considers it necessary so to do, it may appoint more than one authority for any specified area and may, by general or special order, provide for the distribution or allocation of work to be performed by them under this Act.;"

(ii) in sub-section (2), for the words "six months", wherever they occur, the words "twelve months" shall be substituted;

(iii) in sub-section (3), for the words "not exceeding ten rupees in the latter" the following shall be substituted, namely:—

"not exceeding twenty-five rupees in the latter, and even if the amount deducted or the delayed wages are paid before the disposal of the application;

direct the payment of such compensation, as the authority may think fit, not exceeding twenty-five rupees”;

v) for sub-section (4), the following sub-sections shall be substituted, namely:—

“(4) If the authority hearing an application under this section is satisfied—

(a) that the application was either malicious or vexatious, the authority may direct that a penalty not exceeding fifty rupees be paid to the employer or other person responsible for the payment of wages by the person presenting the application; or

(b) that in any case in which compensation is directed to be paid under sub-section (3), the applicant ought not to have been compelled to seek redress under this section the authority may direct that a penalty not exceeding fifty rupees be paid to the State Government by the employer or other person responsible for the payment of wages.

(4A) Where there is any dispute as to the person or persons being the legal representative or representatives of the employer or of the employed person, the decision of the authority on such dispute shall be final.

(4B) Any inquiry under this section shall be deemed to be a judicial proceeding within the meaning of sections 193, 219 and 228 of the Indian Penal Code (45 of 1860).”

14. *Amendment of section 16.*—In section 16 of the principal Act,—

(i) in sub-section (1), after the words “and if”, the words “deductions have been made from their wages in contravention of this Act for the same cause and during the same wage period or periods or if” shall be inserted;

(ii) in sub-section (2), for the words, brackets and figures “the maximum compensation that may be awarded under sub-section (3) of section 15 shall be ten rupees per head”, the words, brackets and figures “every person on whose behalf such application is presented may be awarded maximum compensation to the extent specified in sub-section (3) of section 15” shall be substituted.

15. *Amendment of section 17.*—In section 17 of the principal Act,—

(i) in sub-section (1),—

(a) in clause (a), after the words “three hundred rupees”, the words “or such direction has the effect of imposing on the employer or the other person a financial liability exceeding one thousand rupees” shall be inserted;

(b) for clause (b), the following clause shall be substituted, namely:—

“(b) by an employed person on any legal practitioner or any official of a registered trade union authorised in writing to act on his behalf or any Inspector under this Act, or any other person permitted by the authority to make an application under sub-section (2) of section 15, if the total amount of wages claimed to have been withheld from the employed person exceeds twenty rupees or from the un-paid group to which the employed person belongs or belonged exceeds fifty rupees, or”;

(ii) after sub-section (1), the following sub-section shall

be inserted, namely:—

“(1A) No appeal under clause (a) of sub-section (1) shall lie unless the memorandum of appeal is accompanied by a certificate by the authority to the effect that the appellant has deposited the amount payable under the direction appealed against.”;

(iii) after sub-section (2), the following sub-sections shall be inserted, namely:—

“(3) Where an employer prefers an appeal under this section, the authority against whose decision the appeal has been preferred may, and if so directed by the court referred to in sub-section (1) shall, pending the decision of the appeal, withhold payment of any sum in deposit with it.

(4) The court referred to in sub-section (1) may, if it thinks fit, submit any question of law for the decision of the High Court and, if it so does, shall decide the question in conformity with such decision.”.

16. *Amendment of section 17A.*—In section 17A of the principal Act, in sub-section (1), for the words “any official of a registered trade union authorised in writing to act on his behalf”, the words, brackets and figures “any legal practitioner or any official of a registered trade union authorised in writing to act on his behalf or any Inspector under this Act or any other person permitted by the authority to make an application under sub-section (2) of section 15” shall be substituted.

17. *Omission of section 19.*—Section 19 of the principal Act shall be omitted.

18. *Amendment of section 20.*—In section 20 of the principal Act,—

(i) in sub-section (1), for the words and figures “section 5 and sections 7 to 13”, the words, figures and brackets “section 5 except sub-section (4) thereof, section 7, section 8 except sub-section (8) thereof, section 9, section 10 except sub-section (2) thereof, and sections 11 to 13” shall be substituted;

(ii) in sub-section (2), for the word and figure “section 6”, the words, brackets and figure “sub-section (4) of section 5, section 6, sub-section (8) of section 8, sub-section (2) of section 10” shall be substituted;

(iii) after sub-section (2), the following sub-sections shall be inserted, namely:—

“(3) Whoever being required under this Act to maintain any records or registers or to furnish any information or return—

(a) fails to maintain such register or record; or
(b) wilfully refuses or without lawful excuse neglects to furnish such information or return; or

(c) wilfully furnishes or causes to be furnished any information or return which he knows to be false; or

(d) refuses to answer or wilfully gives a false answer to any question necessary for obtaining any information required to be furnished under this Act;

shall, for each such offence, be punishable with fine which may extend to five hundred rupees.

(4) Whoever—

(a) wilfully obstructs an Inspector in the discharge of his duties under this Act; or

(b) refuses or wilfully neglects to afford an Inspector any reasonable facility for making any entry, inspection, examination supervision, or inquiry authorised by or under this Act in relation to

any railway, factory or industrial establishment; or

(c) wilfully refuses to produce on the demand of an Inspector any register or other document kept in pursuance of this Act; or

(d) prevents or attempts to prevent or does anything which he has any reason to believe is likely to prevent any person from appearing before or being examined by an Inspector acting in pursuance of his duties under this Act;

shall be punishable with fine which may extend to five hundred rupees.

(5) If any person who has been convicted of any offence punishable under this Act is again guilty of an offence involving contravention of the same provision, he shall be punishable on a subsequent conviction with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both:

Provided that for the purpose of this sub-section, no cognizance shall be taken of any conviction made more than two years before the date on which the commission of the offence which is being punished came to the knowledge of the Inspector.

(6) If any person fails or wilfully neglects to pay the wages of any employed person by the date fixed by the authority in this behalf, he shall, without prejudice to any other action that may be taken against him, be punishable with an additional fine which may extend to fifty rupees for each day for which such failure or neglect continues."

19. *Amendment of section 21.*—In section 21 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

"(3A) No court shall take cognizance of any offence punishable under sub-section (3) or sub-section (4) of section 20 except on a complaint made by or with the sanction of an Inspector under this Act."

20. *Insertion of new section 22A.*—After section 22 of the principal Act, the following section shall be inserted, namely:—

"22A. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government for anything which is in good faith done or intended to be done under this Act."

21. *Amendment of section 24.*—In section 24 of the principal Act, after the word "railways", the words "air transport services", shall be inserted.

22. *Amendment of section 26.*—In section 26 of the principal Act,—

in sub-section (3).—

(a) in clause (a) for the words "and prescribe the form thereof" the following words shall be substituted, namely:—

"prescribe the form thereof and the particulars to be entered in such registers or records";

(b) after clause (i), the following clauses shall be inserted, namely:—

"(ia) prescribe the extent to which loans may be granted and the rate of interest payable thereon with reference to section 12A;

(ib) prescribe the powers of Inspectors for the purposes of this Act;"

(c) in clause (k), the word "and" shall be omitted

(d) in clause (l), the word "and" shall be inserted at the end;

(e) after clause (l), the following clause shall be inserted, namely:—

"(m) provided for any other matter which is to be or may be prescribed.";

(ii) after sub-section (5), the following sub-section shall be inserted, namely:—

"(6) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

Assented to on 30-12-1964.

THE STANDARDS OF WEIGHTS AND MEASURES (AMENDMENT) ACT, 1964

(ACT No. 54 OF 1964)

AN

ACT

to amend the Standards of Weights and Measures Act, 1956.

BE it enacted by Parliament in the Fifteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Standards of Weights and Measures (Amendment) Act, 1964.

2. *Amendment of section 2.*—In section 2 of the Standards of Weights and Measures Act, 1956 (89 of 1956) (hereinafter referred to as the principal Act), for clause (d), the following clause shall be substituted, namely:—

"(d) "metre" means the length equal to 1,650,763.73 wavelengths, in vacuum, of the radiation corresponding to the transition between the 2p₁₀ and 5d₅ levels of the krypton atom of mass 86;"

3. *Amendment of section 3.*—In sub-section (2) of section 3 of the principal Act, for the words "in terms of the international proto-type of the metre", the words "by the International Bureau of Weights and Measures" shall be substituted.

4. *Amendment of section 5.*—In sub-section (2) of section 5 of the principal Act, for the figures "1/31,556,925.975", the figures "1/31,556,925.9747" shall be substituted.

5. *Insertion of new section 15A.*—After section 15 of the principal Act, the following section shall be inserted, namely:—

"15A. *Unit of length in navigation by sea or air.*—Notwithstanding anything contained in this Act, a nautical mile which is equal to 1852 metres, may be used as the unit of length in relation to navigation by sea or air."

